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## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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October 16, 2009

Update No. 80  
10-09

**TO:** Persons Holding Copies of the San Diego County Zoning Ordinance  
**FROM:** Department of Planning and Land Use  
**RE:** AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by adoption of Ordinance No. 10003 (N.S.), effective 9-4-09 and by adoption of Ordinance No. 10006 (N.S.), effective, 10-16-09. The Ordinance amendments pursuant to Ord. No. 10003 relate to the regulations of Farm Employee Housing and Farm Labor Camps. The Ordinance amendments pursuant to Ord. No. 10006 are clarifications to or removal of ambiguous language, corrections to typographical errors, codifying existing policies, miscellaneous minor revisions or clarifications to certain regulations and amendments to certain procedures. These amendment pages are known as POD 08-003, adopted by the Board of Supervisors on August 5, 2009 and POD 08-018 adopted by the Board of Supervisors on September 16, 2009 respectively.

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete pages and adding the new pages as follows:

| <b>REMOVE</b>              | <b>ADD</b>                 | <b>SECTION CHANGES/DESCRIPTION</b>  |
|----------------------------|----------------------------|---|
| 1008-1019<br>(2 pages)     | 1008-1019<br>(1 page)      | 1019 Effect of Amendments Upon Pending Applications amended<br>Pagination changes   |
| Def. A (2 pages)           | Def. A (2 pages)           | Definitions of Agriculture & Animal, Large amended  |
| Def C – Def F<br>(4 pages) | Def C – Def F<br>(4 pages) | Definition of Church repealed<br>Definition of Commercial Agriculture added,<br>Definitions of Farm Employee & Farm Employee Housing amended<br>Definition of Farm Labor Camp added |
| Def. L (1 page)            | Def. L (1 page)            | Definition of Livestock added   |
| Def. M (1 page)            | Def. M (1 page)            | Definition of Mentally Retarded Facility repealed   |

| <b>REMOVE</b>            | <b>ADD</b>               | <b>SECTION CHANGES/DESCRIPTION</b>  |
|--------------------------|--------------------------|---|
| Def. P (1 page)          | Def. P (1 page)          | Definitions of Patio Cover & Pot-Belly Pig added  |
| Def. V (1 page)          | Def. V (1 page)          | Definition of Vermiculture or Vermicomposting added   |
| 1205 -1375<br>(5 pages)  | 1205 -1375<br>(4 pages)  | Listing of Use Classifications amended<br>Residential Use Types:<br>1275 Farm Labor Camp repealed<br>Civic Use Types:<br>1348 Lodge, Fraternal & Civic Assembly amended (new title: Civic, Fraternal or Religious Assembly)<br>1370 Religious Assembly repealed<br>1375 Small Schools amended |
| 1740<br>(1 page)         | 1740 – 1750<br>(1 page)  | Agricultural Use Types: Farm Labor Camp added   |
| 2105 – 2185<br>(7 pages) | 2105 – 2185<br>(7 pages) | RS, RD, RM, RV Uses Subject to Major Use Permit amended<br>RU Uses Subject to Major Use Permit amended<br>RMH Uses Subject to Major Use Permit amended<br>RR Uses Subject to Minor Use Permit amended<br>RR Uses Subject to Major Use Permit amended  |
| 2225 – 2262<br>(2 pages) | 2225 – 2262<br>(2 pages) | RRO Uses Subject to Major Use Permit amended<br>RC Permitted Uses amended   |
| 2305 - 2342<br>(6 pages) | 2305 - 2342<br>(6 pages) | C30 Uses Subject to Major Use Permit amended<br>C31 Uses Subject to Major Use Permit amended<br>C32 Uses Subject to Major Use Permit amended<br>C34 Permitted Uses amended  |
| 2352 - 2372<br>(4 pages) | 2352 - 2372<br>(4 pages) | C35 Permitted Uses amended<br>C36 Permitted Uses amended<br>C37 Permitted Uses amended  |
| 2385 – 2402<br>(2 pages) | 2385 – 2402<br>(2 pages) | C38 Uses Subject to Major Use Permit amended<br>C40 Permitted Uses amended  |
| 2445 (1 page)            | 2445 (1 page)            | Uses Subject to Major Use Permit amended  |
| 2465 (1 page)            | 2465 (1 page)            | Uses Subject to Major Use Permit amended  |
| 2504 - 2525<br>(3 pages) | 2504 - 2525<br>(3 pages) | M50 Uses Subject to Minor Use Permit amended<br>M50 Uses Subject to Major Use Permit amended<br>M52 Uses Subject to Major Use Permit amended  |
| 2545 – 2568<br>(4 pages) | 2545 – 2568<br>(4 pages) | M54 Uses Subject to Major Use Permit amended<br>M56 Uses Subject to Major Use Permit within Industrially Designated Areas amended<br>M56 Uses Subject to Major Use Permit within Areas Designated for Support Commercial amended  |
| 2585 (2 pages)           | 2585 (2 pages)           | M58 Uses Subject to Major Use Permit amended  |

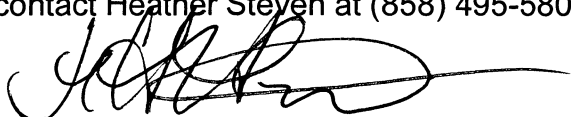
| <b>REMOVE</b>            | <b>ADD</b>               | <b>SECTION CHANGES/DESCRIPTION</b>  |
|--------------------------|--------------------------|---|
| 2704 – 2725<br>(3 pages) | 2704 – 2725<br>(3 pages) | A70 Uses Subject to Minor Use Permit amended<br>A70 Uses Subject to Major Use Permit amended<br>A72 Uses Permitted Subject to Limitations amended<br>A72 Uses Subject to Minor Use Permit amended<br>A72 Uses Subject to Major Use Permit amended   |
| 2804 – 2805<br>(2 pages) | 2804 – 2805<br>(2 pages) | S80 Uses Subject to Minor Use Permit amended<br>S80 Uses Subject to Major Use Permit amended  |
| 2825 (1 page)            | 2825 (1 page)            | S82 Uses Subject to Major Use Permit amended  |
| 2873 – 2884<br>(2 pages) | 2873 – 2884<br>(2 pages) | S87 Permitted Uses Subject to Limitations amended<br>S87 Uses Subject to Minor Use Permit amended<br>S88 Uses Subject to Minor Use Permit amended   |
| 2903 – 2926<br>(3 pages) | 2903 – 2926<br>(3 pages) | S90 Permitted Uses Subject to Limitations amended<br>S90 Uses Subject to Minor Use Permit amended<br>S90 Uses Subject to Major Use Permit amended<br>S92 Permitted Uses Subject to Limitations amended<br>S92 Uses Subject to Minor Use Permit amended<br>S92 Uses Subject to Major Use Permit amended    |
| 2990 (1 page)            | 2990 (1 page)            | Use Matrix<br><u>Page 1</u> : Section 1275 removed, 1348 amended<br>1370 removed  |
| 2990 (1 page)            | 2990 (1 page)            | <u>Page 6</u> : Section 1750 added, notation to Boutique Winery added   |
| 3030 – 3112<br>(3 pages) | 3030 – 3112<br>(3 pages) | Changes in Animal Regulations amended<br>Animal Schedule amended (footnote 1 only)<br>Animal Enclosure Setback Table amended (note a. only)   |
| 4120 (2 pages)           | 4120 (2 pages)           | Exceptions to Density Regulations amended   |
| 4120 – 4125<br>(1 page)  | 4120 – 4125<br>(1 page)  | Exceptions to Density Regulations (last page of subsection) amendment date added<br>Pagination change   |
| 4821 (1 page)            | 4819 (1 page)            | Interior Side Yards Not Required for Certain Building Sites repealed  |
| 4835 – 4842<br>(5 pages) | 4835 – 4842<br>(5 pages) | Exceptions to Required Openness of Required Yards amended<br>Permitted Buildings, Structures and Projections in Required Yards amended<br>Buildings and Structures Permitted to Encroach into Required Yards on Through Lots repealed<br>Setbacks for Detached Accessory Buildings and Structures amended |

| <b>REMOVE</b>               | <b>ADD</b>                  | <b>SECTION CHANGES/DESCRIPTION</b>   |
|-----------------------------|-----------------------------|--|
| 5468 – 5518<br>(3 pages)    | 5468 – 5518<br>(3 pages)    | Flood Channel Area Regulations: Standards for Approval of Other Structures amended<br>Flood Plain Area Regulations: Flood Control Facilities amended<br>Standards for Approval of Other Structures amended   |
| 6102 – 6108<br>(1 page)     | 6102 – 6108<br>(1 page)     | Identification of Permitted Temporary Uses amended<br>Religious Assembly amended (Civic, Fraternal or Religious Assembly)  |
| 6118 (2 pages)              | 6118 (2 pages)              | Use of a Trailer Coach amended   |
| 6156 – 6158.a<br>(10 pages) | 6156 – 6158.a<br>(11 pages) | Residential and Agricultural Use Types:<br>Attached Garages amended<br>Detached Garages amended<br>Barns/Ag Buildings amended<br>Coops amended<br>Dog and Cat Keeping amended<br>Roadside Sales of Agricultural Products amended<br>Earthworms amended<br>Farm Employee Housing amended<br>(jj.) Meetings and Gatherings added<br>Pagination changes |
| 6158.h – 6162<br>(2 pages)  | 6158.h – 6162<br>(2 pages)  | Storage of Emergency Supplies for Disaster Preparedness added<br>Cargo Containers amended  |
| 6706 (1 page)               | 6706 (1 page)               | Required Fences and Walls: Open Sales, Display and Storage Areas amended   |
| 6766 – 6772<br>(2 pages)    | 6766 – 6772<br>(2 pages)    | Parking Schedules:<br>Public Assembly amended<br>Medical Care Facilities amended   |
| 6904 – 6920<br>(5 pages)    | 6904 – 6920<br>(4 pages)    | Explosive Storage amended<br>Requirements for Farm Labor Camps amended<br>Cottage Industries amended<br>Pagination changes   |
| 7000 – 7015<br>(1 page)     | 7000 – 7019<br>(1 page)     | General Provisions:<br>Applications to be Signed by Property Owners added<br>Permits and Approvals to be Recorded and Provide Constructive Notice added  |
| 7052 – 7056<br>(1 page)     | 7052 – 7056<br>(1 page)     | Administrative Permit Procedure:<br>Applicability amended<br>Application for Administrative Permit amended   |
| 7078 – 7080<br>(1 page)     | 7076 – 7080<br>(1 page)     | Administrative Permits to be Recorded and Provide Constructive Notice added  |



| <b>REMOVE</b>            | <b>ADD</b>               | <b>SECTION CHANGES/DESCRIPTION</b>  |
|--------------------------|--------------------------|---|
| 7104 – 7107<br>(2 pages) | 7104 – 7107<br>(2 pages) | Variance Procedure:<br>Application for Granting of Variance amended<br>Findings Required amended  |
| 7114 – 7118<br>(1 page)  | 7114 – 7118<br>(1 page)  | Variances to be Recorded and Provide<br>Constructive Notice added   |
| 7152 – 7176<br>(5 pages) | 7152 – 7176<br>(5 pages) | Site Plan Review Procedure:<br>Applicability amended<br>Application added<br>Waiver of Site Plan amended<br>Application for Modification of Site Plan amended<br>Site Plans to be Recorded and Provide<br>Constructive Notice added<br>Pagination changes |
| 7200 – 7202<br>(1 page)  | 7200 – 7202<br>(1 page)  | Administrative Appeal Procedure:<br>Title and Purpose amended<br>Effect of Filing the Appeal amended  |
| 7351 – 7354<br>(2 pages) | 7351 – 7354<br>(2 pages) | Use Permit Procedure:<br>Applicability amended<br>Application for granting of a Use Permit amended  |
| 7364 – 7388<br>(5 pages) | 7364 – 7388<br>(4 pages) | Use Permit Procedure:<br>Appeal amended<br>Use Permits to be Recorded and Provide<br>Constructive Notice added<br>Application for Modification of Use Permit<br>amended<br>Pagination changes   |
| 7503 (1 page)            | 7503 (1 page)            | Requests to Amend the Zoning Ordinance<br>amended   |
| 7580 (1 page)            | 7580 (1 page)            | Application for Revocation of Designation of a<br>Landmark or District amended  |
| 7602 (2 pages)           | 7602 (2 pages)           | Supplementary Administrative Procedures:<br>Fees amended  |
| 7609 – 7610<br>(2 pages) | 7609 – 7610<br>(2 pages) | Minor Deviation from Plan amended<br>Environmental Impact Review - Required<br>Information amended  |
| 7703 (2 pages)           | 7703 (2 pages)           | Violations and Penalties amended  |

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 80 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated. If you have any questions regarding this update, please contact Heather Steven at (858) 495-5802.



JEFF MURPHY, Deputy Director  
Advance Planning Division



#### 1008 INTERPRETATION AND APPLICATION OF THE ORDINANCE.

If ambiguity arises concerning the content or application of The Zoning Ordinance, it shall be the duty of the Director to ascertain all pertinent facts, render a decision on the interpretation, set forth findings and notify concerned persons. This decision may be appealed pursuant to the Administrative Appeal Procedure commencing at Section 7200.

(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

#### 1010 INTERPRETATION OF CONFLICTING PROVISIONS.

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of these regulations to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When these regulations impose a greater restriction upon the use of buildings or land, or upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of these regulations shall control.

#### 1012 NO RELIEF FROM OTHER PROVISIONS.

Except as otherwise specifically provided, no provision of this Zoning Ordinance shall be construed as relieving any party to whom a site plan, permit or variance is issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County of San Diego requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use.

#### 1014 SEVERABILITY OF PROVISIONS.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

#### 1016 ORDINANCE SUPERSEDES EXISTING ZONING ORDINANCE.

This Zoning Ordinance supersedes Ordinance 1402, as amended, of the County of San Diego, including those provisions of Ordinance 1402 that apply specifically to the 37 zoning districts number 1, 4, 7, 8, 9, 12, 13, 15, 16, 19, 20, 23, 24, 26, 35, 37, 40, 41, 43, 44, 46, 48, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65, referred to in Articles XXXVI to XCIX of said Ordinance, and to the extent that Ordinance 1402 is inconsistent with this Zoning Ordinance, it is hereby repealed. If any provisions of this Zoning Ordinance should be determined to be not applicable to land regulated by said Ordinance 1402, the provisions of Ordinance 1402 shall continue to apply. Nothing in this Ordinance shall be construed as validating or legalizing any land use or building or structure, conducted, constructed, erected, or maintained in violation of any County ordinance, and nothing in this ordinance shall prevent or bar the filing of a complaint or punishment of any in violation of said Ordinance 1402 or bar the bringing of any action or compel the discontinuance of any use or the removal of any building or structure conducted, constructed, erected, or maintained in violation of said Ordinance 1402. Insofar as the provisions of this ordinance impose the same regulations as imposed by said Ordinance 1402, this ordinance shall be construed as a continuation of said Ordinance 1402 and not as a new enactment.

(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

1017

1017

Notwithstanding any provision of Section 1016 to the contrary, any zone reclassification adopted pursuant to Ordinance No. 1402 (New Series) and prior to the operative date of this Zoning Ordinance shall on the effective date of said reclassifications be deemed automatically converted to the comparable zones under this ordinance, as said comparable zones are specified in Ordinance No. 5312 (New Series).

(Added by Ord. 5328 (N.S.) adopted 12-13-78)

**1018            COMPLETION OF EXISTING BUILDINGS.**

Nothing herein contained shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of any amendment of these regulations provided that actual construction of such building or structure is commenced within one calendar year after the date of issuance of the building permit and is completed within three calendar years from issuance of said building permit and provided further that such construction and proposed use of such building or structure is not on said effective date in violation of any other ordinance or law. Actual construction is hereby defined for purposes of this section, to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has commenced preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

**1019            EFFECT OF AMENDMENTS UPON PENDING APPLICATIONS.**

- a. Any application for a permit or other approval regulated in any manner by the provisions of this Zoning Ordinance shall only be required to meet the provisions of this Ordinance that were in effect on the date that application was deemed complete. The foregoing provision relates only to individual application(s) regulated by the Zoning Ordinance, not to the overall project (for which several applications may be required).
- b. For purposes of this section, an application is "deemed complete" 30 days following the date it was submitted, unless the applicant has been informed that the application is not complete, or at such earlier date that the County informed the applicant that the application was complete.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

(Amended by Ord. No. 7322 (N.S.) adopted 6-10-87)

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**Adult Model Studio:** Any establishment open to the public where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. The provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Education Code of the State of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Adult Arcade/Peep Show:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

**Adult Motion Picture Theater:** An establishment, with a capacity of fifty (50) or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

**Adult Theater:** A theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Agricultural Employee:** (See Farm Employee)

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Agricultural Homestay:** A working farm or ranch on which bedrooms are made available for rent in a farm or ranch house occupied by the farmer or rancher or in a single cabin or other small detached structure measuring no more than 500 square feet and where lodging and overnight sleeping accommodations are provided for a stay of no more than 14 days, either with or without meals.

(Added by Ord. No. 9470 (N.S.) adopted 6-12-02)

**Agricultural Zone:** A zone including a use regulation set forth in Sections 2700 through 2799, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Def. A

**Agriculture:** Shall mean the production of goods such as food, fibers or feed by the systematic growing and harvesting of plants, animals and other life forms. Typical forms of agriculture include cultivation of land and raising of livestock.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

**Aircraft:** Any contrivance, now known or hereafter invented, used or designed for navigation of or flight in the air. "Aircraft" does not include ultralight vehicle as defined by this ordinance.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 7197 (N.S.) adopted 9-10-86)

**Airport:** Any area of land, water or a structure which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(Added by Ord. 5508 (N.S.) adopted 5-16-79)

**Alley:** A public or private way permanently reserved as a secondary means of access to abutting property.

**Amendment:** Any change, modification, deletion, or addition to the wording, text or substance of the Zoning Ordinance, or any change, modification, deletion or addition to the application of the Zoning Ordinance to property within San Diego County, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the Board of Supervisors in the manner prescribed by law.

**Anatomical Areas:** (See Specified Anatomical Areas)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Animal, Large:** Limited to bovine animals, sheep, goats, swine, ostriches, emus, llamas and alpacas.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**Animal Regulations:** That element of a zone which indicates, by means of a letter designator, the regulations pertaining to the keeping of animals.

(Added by Ord. No. 8166 (N.S.) adopted 10-21-92)

**Animal, Small:** Poultry, rabbits, chinchillas, hamsters, and other small domesticated animals other than a large animal or specialty animal.

**Animal, Specialty:** Including, but not limited to, fish, furbearing animals, wild or undomesticated animals, amphibians, insects and birds, other than large or small animals.

**Animal Waste Processing:** The processing of animal waste and byproducts including but not limited to animal manure, animal bedding waste, a similar byproduct of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting operations.

**Apartment Hotel:** A building or portion thereof designed for or containing both individual guest rooms or suite of rooms and dwelling units.

**Approach-Departure Path:** The flight track of a helicopter as it approaches or departs from the helicopter facility's designated take-off and landing area.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

**Aquaculture:** A form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

**Attached:** (See Building Type; Nonresidential)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Attached, Three to Eight Dwelling Units:** (See Building Type, Residential)

**Attic Story:** Any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage, or habitation. An attic story shall be counted as a story.

**Automobile Wrecking:** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of 5 or more motor vehicles which for a period exceeding 30 days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

## DEFINITIONS (B)

**Barn:** A building used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises.

**Basement:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)

Def. B

**Bed and Breakfast Home:** A single-family dwelling in which more than two bedrooms are made available for rent on a less than weekly basis to provide lodging, including overnight sleeping accommodations and breakfast.

(Added by Ord. No. 7160 (N.S.) adopted 6-18-86)  
(Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)  
(Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)

**Bedroom:** Attached room which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes and shall have an area of not less than 70 square feet or be less than 7 feet in any dimension with a closet opening on it or within it.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

**Bicycle Space:** An area that is permanently reserved and maintained for parking one bicycle either in an open rack or an enclosed structure or locker.

(Added by Ord. No. 5976 (N.S.) adopted 1-28-81)  
(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85)

**Bird:** An avian species other than poultry.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

**Block:** All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus of dead end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

**Bluff:** A scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, filling or excavation of the land mass. The bluff may be simple planar or curved surface or it may be steplike in section.

(Amended by Ord. No. 5329 (N.S.) adopted 12-13-78)



## DEFINITIONS (C)

**Cabana:** A portable, demountable, or permanent room enclosure or other building erected or constructed for the use of the occupant of the mobilehome for human occupancy.

**Cabaret:** (See Adult Cabaret)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Cable Television (CATV) System:** Any facility which, in whole or in part, receives directly or indirectly from the air and amplifies or otherwise modifies electronic or microwave signals transmitting programs broadcast by one or more television stations and/or originates or purchases programs or electronic or microwave signals and distributes such signals or any of them by wire or cable to subscribing members of the public who pay for such service.

**California Coastal Zone:** That portion of the Coastal Zone described in Section 30103 of the California Coastal Act of 1976 (Public Resources Code Section 20000 et seq.) which is within the unincorporated territory of the County of San Diego.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

**Caretaker:** A person who takes care of a parcel or building.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Cargo Container:** Any portable, reusable container generally referred to as a sea cargo container or cargo container and primarily designed or used for transporting freight by commercial transportation. When used for any purpose other than transporting freight a Cargo Container is a structure.

(Added by Ord. No. 9844 (N.S.) adopted 4-18-07)

**Carport:** A type of garage which is a roofed structure, or a portion of a building, open on 2 or more sides primarily for the parking of automobiles belonging to the occupants of the property.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

**Cat:** A feline that has reached the age of 4 months.

**Categorical Exemption:** Certain classes of projects found by the Secretary for Resources of the State of California not to have substantial adverse effects on the environment, and thus are exempt from the EIR requirement.

**Cellar:** That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in these regulations) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

**Cemetery:** Land used or intended to be used for the burial of one or more dead human bodies or cremated remains thereof, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(Amended by Ord. No. 7850 (N.S.) adopted 1-16-91)

Def. C

**Certified Farmers' Market:** A temporary marketplace, either indoors or outdoors, for the display and sale of produce and other agricultural products such as, but not limited to, fresh fruits, vegetables, nuts, honey, shell eggs, flowers, and nursery stock, for which a Certified Farmers' Market Certificate has been issued by the County Agricultural Commissioner pursuant to California Code of Regulations, Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

**Certified Recycling Facility:** A recycling facility which has been certified by the California Department of Conservation as meeting the requirements of the California Beverage Container and Litter Reduction Act of 1986.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

**Chimney:** A hollow shaft containing one or more passages vertical or nearly so, for conveying products of combustion.

**Child Care Center:** A state-licensed facility of any capacity other than a family day care home for children in which less than 24 hour per day nonmedical care and supervision is provided for children in a group setting.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)

**Civic Plaza:** Property owned by a public or non-profit civic organization for purposes of accommodating the public in the conduct of outdoor events of general community interest including, but not limited to, assemblages of persons for: hobby shows; club meetings; the display and/or sale of art and craft objects; farmer's market, home-grown agricultural products only; and, passive recreational uses.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

**Clinic:** Any place, establishment or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other work or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

**Closet:** Small room or recess primarily designed to store wearing apparel.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

**College:** A college, junior college or university supported by public funds, or a private college, junior college or university which gives comparable general academic instruction and degrees.

Columbarium: A structure, room, or other space in a building or a sepulchral vault containing niches or recesses in the walls for the inurnment of cremated human remains.

(Added by Ord. No. 9151 (N.S.) adopted 5-10-00)

Commercial Agriculture: Shall mean a routine and ongoing enterprise associated with a farm, grove, dairy, or other agricultural business, and shall include:

1. The cultivation and tillage of soil; crop rotation; fallowing for agricultural purposes; the production, cultivation, growing, replanting and harvesting of any agricultural commodity including viticulture, vermiculture, apiculture, or horticulture;
2. The raising of livestock, bees, fur bearing animals, fish or poultry, and dairying for sale;
3. Any practices performed by a farmer on a farm as incident to or in conjunction with those farming or grove operations, including the preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market; and
4. Ordinary pasture maintenance and renovation and dry land farming operations consistent with rangeland management and soil disturbance activities.

All such activities must be consistent with the economics of commercial agricultural operations and other similar agricultural activities. Commercial Agriculture does not include crops or agriculture for personal consumption.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

Commercial Vehicle: A vehicle primarily designed, maintained or used to transport, for compensation, one or more persons or property of any kind. A vehicle primarily designed to transport one or more persons or property for compensation, whether or not it is being used or has been used for that purpose, is a commercial vehicle. A commercial vehicle includes, but is not limited to, a truck, truck tractor, trailer, semi-trailer and bus.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

Commercial Zone: A zone including a use regulation set forth in Sections 2300 through 2499, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Common Area: That area which will be maintained by a homeowners association, County service area, or other form of cooperative organization. For purposes of these regulations, "common area" does not include open space which cannot legally be disturbed.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Def. C

Concrete Batch Plant: Mixing plants for Portland cement concrete, transit concrete mixing plants, sand, gravel and cement mixing plants and soil cement mixing plants.

Concurrent Use Permit: (See Use Permit, Concurrent)

Construction: The placement of construction materials in their permanent position fastened in a permanent manner.

Convenience Zone: An area within a one-half mile radius of a supermarket. A "supermarket" for purposes of this ordinance is defined as a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more, and which sells a line of dry grocery, canned goods, or non-food items and some perishable items.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Corner Cut-Off Area: An area provided and maintained for adequate and safe visibility for vehicular and pedestrian traffic at intersections of streets, alleys, or private driveways.

County Park: Any park, community center, museum, beach park, or recreation facility, owned by, leased by, or under the control of the County.

(Added by Ord. No. 6615 (N.S.) adopted 6-22-83)

DEFINITIONS (D)

Decorative Turf: Turf used for purely ornamental purposes having no use other than aesthetics.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Density: The number of dwelling units per acre.

Designated Historic Landmark: (See Historic Landmark)

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)

(Deleted by Ord. No. 7101 (N.S.) adopted 3-12-86)

Designator: The numbers or letters or combination of both which prescribe the regulations for the Use Regulations, Animal Regulations, Development Regulations, and Special Area Regulations. It appears on the zoning map and refers to names of Use Regulations, types of Animal Regulations, types of Development Regulations, or names of Special Area Regulations.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

Detached: (See Building Type, Nonresidential)

Development Regulations: That element of the zone which is represented by 9 designators corresponding to 9 aspects of physical development. These 9 aspects are: density, lot size, building type, maximum floor area, floor area ratio, height, coverage, setback, and useable open space. The Development Regulations regulate these subjects, by using the designators, in terms of certain minimum or maximum standards or of permitted buildings types.

Dog: A canine that has reached the age of 4 months.

Double Detached: (See Building Types, Residential)

Drive-In: (See Enclosure)

Drive-In Theater: (See Adult Drive-In Theater)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Drought-resistant Plant Materials: Trees, shrubs, ground covers, and other vegetation capable of sustained growth or reproduction with only natural moisture, and without any other irrigation or watering. The Director may specify the plants which are within the scope and intent of this definition.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Drug Paraphernalia: The equipment, products and materials set forth in subdivision (d) of Section 11364.5 of the California Health and Safety Code.

(Added by Ord. No. 7649 (N.S.) adopted 07-17-89)

Duplex: (See Building Type Residential)

Dwelling: A building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and having only one kitchen.

Dwelling, Multi: (See Building Type, Residential)

## DEFINITIONS (E)

Easement: A recorded right or interest in the land of another, which entitled the holder thereof to some use, privilege or benefit out of or over said land.

Enclosed: (See Enclosure)

Enclosure: The degree that the storage and display of goods may be open and/or visible from public rights-of-way. The following are enclosure types:

1. Drive-In: Designed or operated so as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle.
2. Enclosed: A roofed structure contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.

Def. E

3. Open: Unroofed or not contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.
4. Semi-Enclosed: Contained on at least 50 percent of its perimeter by walls which are pierced only by windows, vents, or customary entrances and exits. The open sides of partially open structures shall not be visible from any public right-of-way.

Environmental Assessment: A formal evaluation process to determine whether a proposed project will have a significant impact on the environment.

EIR - Environmental Impact Report: A report by the appropriate San Diego County granting authority which analyzes the environmental effects of a proposed project pursuant to the Environmental Quality Act of 1970.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83.)

Essential Public Facility or Project: Any structure or improvement necessary for the provision of public services, which must be located in the particular location to service its purpose and for which no less environmentally damaging location, alignment, or non-structural alternative exists.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Exterior Wall: (See Wall, Exterior)

DEFINITIONS (F)

Factory-Built Housing: A unit defined as "factory-built housing" by Section 19971 of the Health and Safety Code which has the approval of the Department of Housing and Community Development of the State of California.

Family: An individual, or 2 or more persons (related or unrelated) living together as a single housekeeping unit in a dwelling unit.

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

Family Care Home: A state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer elderly, mentally disabled or otherwise handicapped persons or dependent and neglected children and providing such care and service on a 24-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such manner that facilities, activities, or events thereon are shared by more than 6 elderly, mentally disabled or otherwise handicapped persons or dependent and neglected children.

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

Family Care Institution: A state-authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.

Family Day Care Home for Children, Large: A state-licensed family day care home serving nine to fourteen children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The number of children shall include children under the age of 10 years who reside at the home.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)  
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

**Family Day Care Home For Children, Small:** A state-licensed family day care home serving eight or fewer children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The number of children shall include children under the age of 10 years who reside at the home.

(Added by Ord. No. 7743 (N.S.) adopted 3-28-90)  
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

**Farm Employee:** A person who derives more than half of their total livelihood in the service of another person as an employee engaged in active commercial agriculture. "Farm Employee" does not include the owner or lessee of a particular property, or a person engaged in construction, alteration, painting, or repair of a structure, logging, or land surveying. "Farm Employee" may include a person engaged in brush or timber clearing, land grading or leveling when such activity is being carried out in preparation for farming.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

**Farm Employee Housing:** A living unit or units for farm employees and their families consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. This is an accessory use to active Commercial Agriculture, subject to Section 6156.u. Farm Employee Housing is not subject to Density Regulations.

(Added by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

**Farm Labor Camp:** A living unit or units used for housing by 13 or more Farm Employees and their families or with 37 or more beds in a group quarters. This is an agricultural use, as a part of active commercial agriculture, subject to Section 1750 and Section 6906. A Farm Labor Camp is not subject to Density Regulations.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

**Farmers' Market, Certified:** (See Certified Farmers' Market)

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

**Fence, Non-View-Obscuring:** (See Fence, Open)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

**Fence, Open:** A fence (and the gates in such fence) which permits direct vision through at least 80 percent of any one square foot segment of fence surface.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Def. F

Fence, Solid: A fence (and the gates in such fence) constructed of solid material through which no visual images or light may be seen. Openings in such fence (and its gates when closed) shall not exceed 2 percent of any one square foot segment of the fence's surface which is more than 8 inches above the ground.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fence, View-Obscuring: A fence (and the gates in such fence) whose surface is covered by solid or opaque material through which no visual images may be seen. Openings in such a fence (and its gates when closed) shall not exceed 20 percent of any one square foot segment more than 8 inches above the ground, nor shall any opening exceed one-half inch in width. Woven wire or chain link fences containing slats are not view- obscuring fences.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fill: Any material or substance which is deposited, pushed, dumped, pulled or otherwise transported or moved to a new location for the purpose of elevating an area above the floodplain. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, asphalt, refuse and concrete rubble.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Flood: A general and temporary condition of partial or complete inundation of normally dry land area lying outside normal stream channel as a result of one or more of the following occurrences or conditions - the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood, 10-Year: A flood estimated to occur at an average of once in 10 years (10 percent frequency of occurrence) which is determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document NO. 427201.

Flood, 100-year: A flood estimated to occur at an average of once in 100 years (one percent frequency of occurrence), determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document No. 427201.



## DEFINITIONS (I)

**Incidental Landing Area:** An area of land, water or structure which is not designated as a heliport, helipad or helistop and is required for the landing of helicopters for emergencies, public service or maintenance activities and is not a permanent landing or storage area for a helicopter.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

**Industrial Zone:** A zone including a use regulation set forth in Sections 2500 through 2599, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

## DEFINITIONS (J)

**Junk:** Means secondhand or used machinery, equipment, appliances, furniture, motor vehicle parts, tires, lumber, rope, bottles, pipe, wire, drums, scrap metal, construction material, packaging material, including items made of or containing wood, metal, paper, plastic, clay, brick, glass, porcelain, rubber, concrete, or other personal property.

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

**Junkyard:** Any parcel, lot, contiguous lots or portions thereof used for dismantling, salvage, outside storage, purchase, sale, or exchange of junk, or containing any activity in the Scrap Operations use type. It is not an exception to this definition that a person intends or proposes to use the junk for some purpose.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

## DEFINITIONS (K)

**Kennel:** Any lot, building, structure, enclosure or premises whereupon or wherein are kept seven or more dogs, cats or similar small animals in any combination, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

**Kitchen:** Any room used or intended or designed to be used for cooking or the preparation of food, including any room having a sink and either a 3/4 inch gas opening or provision for an electric stove.

Def. L

## DEFINITIONS (L)

**Legitimate or Live Theater:** A theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Limited:** (See Building Type, Mixed Residential-Nonresidential)

**Livestock:** An animal raised for food or other products. Typical examples include cattle, poultry and pigs. Animals raised for pleasure, exhibition or racing shall not be considered livestock.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

**Living Area:** The floor area under the roof of a dwelling unit that is contained within the interior surface of its perimeter walls, except as follows: Living area does not include garages; appurtenant structures accessible only from the outside; attics, basements, and enclosed patios not designed, intended, and constructed for human habitation; and any room or area primarily devoted to any accessory or secondary use.

(Added by Ord. No. 8409 (N.S.) adopted 6-1-94)

**Living Unit:** Any building or vehicle designed or used for human habitation, including, but not limited to a dwelling, guest house, accessory living quarters, farm employee housing, farm labor camp, transient habitation unit, or mobilehome.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Loading Space:** An area, other than a street or alley, on the same lot with a building or a group of buildings which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**Lot:** Any of the following:

1. A parcel of real property shown as a delineated parcel of land with a number or other designation on a final map of subdivision recorded in the office of the County Recorder of San Diego County; or
2. A parcel of land, the dimensions or boundaries of which are defined by a Record of Survey Map recorded in the office of the County Recorder of San Diego County in accordance with the law regulating the subdivision of land; or
3. A parcel of real property not delineated in (1) or (2) above, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one street and is held under one ownership.

**Lower-Income Household:** A household which cannot obtain decent, safe, and sanitary housing without assistance, as determined pursuant to standards established by the Board of Supervisors.

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

#### DEFINITIONS (M)

**Main Building:** A building or structure which is devoted primarily to a principal use or uses; or, the only building on a lot or building site.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Major Use Permit:** (See Use Permit, Major)

**Manufactured Home:** (See Mobilehome)

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

**Manufacturing Zone:** A zone including a use regulation set forth in Sections 2500 through 2599, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

**Massage Parlor:** An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

**Master Antenna Television (MATV) System:** A facility as described in Cable Television (CATV) System, but differentiated from the definition of a (CATV) System by virtue of (a) serving fewer than 50 subscribers, or (b) serving only the residents of an apartment dwelling under common ownership and consisting of not more than two buildings, or (c) providing service without charge.

**Materials Recovery Facility:** A facility that accepts source-separated or commingled recyclable materials, usually in an enclosed building, from collection facilities and the public; processes the materials into resalable condition, and markets the materials to companies for reuse. The end-products are materials recovered through the process. A materials recovery facility is considered to be a General Industrial use type and as such is permitted in the same locations and under the same conditions as other general industrial uses.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Def. M

Meteorological Testing (MET) Facility: A tower with or without guy wires and any other equipment with a component, such as an anemometer or SODAR device, to measure meteorological phenomena, such as wind speed, wind direction, air pressure, rain, snow or sun exposure. A MET Facility shall not include a Wind Turbine.

(Added by Ord. No. 9971 (N.S.) adopted 02-25-09)

Mezzanine or Mezzanine Floor: An intermediate floor placed in any story or room. When the total area of any such Mezzanine Floor exceeds 33 1/3 percent of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a Mezzanine Floor construction shall be not less than 7 feet. An enclosed Mezzanine shall be counted as a story.

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

Mini-Mobilehome Park: A mobilehome park subject to the regulations of Sections 6530 through 6544, inclusive.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

Minor Use Permit: (See Use Permit, Minor)

Mobilehome: A structure designed and equipped to contain not more than two dwelling units to be used with or without a permanent foundation, and which is in excess of 8 feet in width or in excess of 40 feet in length. Mobilehome, as used herein, is further defined in Section 18211 of the Health and Safety Code and includes Manufactured Home as defined in Section 18007 of the Health and Safety Code.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)

Mobilehome Lot: An area or tract of land or portion of a mobilehome park or mobilehome subdivision designated or used for the occupancy of one mobilehome.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

Mobilehome On a Private Lot: A mobilehome which has been placed on a permanent foundation system pursuant to the Mobilehome on Private Lot Regulations.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

Mobilehome Park: An area or tract of land where 2 or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes for human habitation; provided that mobilehome park does not include:

- a. premises on which any trailer coaches are parked for inspection and sale;

## DEFINITIONS (P)

**Parcel:** A contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person.

**Parking Area:** An open area, other than a street or alley, which contains motor vehicle parking spaces.

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81)  
(Amended by Ord. No. 7432 (N.S.) adopted 01-06-88)

**Parking Garage:** A building other than a private or public garage used for the shelter or storage of operating motor vehicles and may, incidental thereto be used for the care, repair or equipping of such vehicles.

**Parking Space:** An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle.

**Parlor:** (See Massage Parlor)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

**Patio Cover:** A one-story, open-sided shade structure consisting of a roof and structural supports, attached to or detached from the primary dwelling which is used only for recreational, outdoor living purposes and not as a carport, garage, storage room or habitable room. A patio cover may have enclosing walls in any configuration, provided the open area of the longer wall and one additional wall is equal to at least 65% of the area below a minimum of 6'-8" of each wall, measured from the floor. For the purposes of this definition, the term "open" includes the use of insect screen material.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

**Peep Show Device:** Any device which displays still or moving images in a peep show booth which depict specified anatomical areas or specified sexual activities upon payment of a fee or other consideration.

(Added by Ord. 8015 (N.S.) adopted 12-4-91)  
(Amended by Ord. 9469 (N.S.) adopted 6-12-02)

**Peep Show Booth:** Any room, booth, partial enclosure or partitioned area of any room in which a peep show device is located, with a seating capacity of five or fewer persons. It does not include an Adult Mini-Motion Picture Theater which has a seating capacity of more than five but less than fifty persons where still or motion images are regularly shown to an audience of more than five but less than fifty persons at any one time.

(Added by Ord. No. 8015 (N.S.) adopted 12-4-91)

**Penthouse:** A projection above the roof which when used only for the shelter of mechanical equipment or shelter of vertical shaft openings in the roof is not regarded as a story.

**Person:** Any individual, firm, copartnership, joint venture, association, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.

Def. P

**Planned Development:** A large, integrated development located on a single building site, or on 2 or more building sites which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facility, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.

**Plants, High Water Use:** Trees, shrubs, groundcovers, and other vegetation requiring supplemental irrigation to sustain both growth and reproduction once fully established (usually 2-5 years after planting).

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

**Plants, Low Water Use:** Trees, shrubs, groundcovers, and other vegetation capable of sustained growth and reproduction with minimum amounts of supplemental irrigation once fully established (usually 2-5 years after planting).

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

**Ponds:** (See Aquaculture)

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

**Porte Cochere:** A covering over a driveway, (usually circular) or drive that allows a vehicle to continue onto another portion of the site, that provides temporary shelter to persons exiting a vehicle, but not serving as the only covered or enclosed vehicle shelter on-site.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

**Pot-Belly Pig:** A domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and not exceeding eighteen inches in height measured at the shoulder.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

**Poultry:** Chickens, turkeys, ducks and geese.

(Added by Ord. No. 6268 (N.S.) adopted 4-14-82)

**Premises:** An area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit.

**Principal Use(s):** The primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.

**Private Garage:** An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

**Use Permit, Concurrent:** Use permits filed concurrently with an application requesting amendment of the Zoning Ordinance applicable to the land under the original jurisdiction of the Planning Commission.

**Use Permit, Major:** Use permit under the original jurisdiction of the Planning Commission.

(Amended by Ord. No. 6505 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

**Use Permit, Minor:** Use permit normally under the original jurisdiction of the Director.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

**Use, Principal:** (See Principal Use)

**Use Type:** (See Use Classification)

**Use Regulations:** That element of the zone which indicates, by means of a designator combining a letter and a number, the use types which are permitted in that zone.

## DEFINITIONS (V)

**Variance:** A departure from the specific requirements of the Zoning Ordinance which may be granted by the appropriate San Diego County authority when the literal enforcement of these requirements would result in practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this ordinance.

**Vermiculture or vermicomposting:** A form of animal husbandry involving the raising of worms of the taxonomic phylum Annelida (segmented worms) and/or the use of said worms to convert organic matter into compost.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

**Very Low-Income Family:** (See Very Low-Income Household)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

**Very Low-Income Household:** A household having an annual income not more than 50 percent of the median household income in the County of San Diego for a given household size as determined by the U.S. Department of Housing and Urban Development.

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

Def. W

## DEFINITIONS (W)

Wall, Exterior: Any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.

Wall, Solid: (See Fence, Solid)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Wall, View-Obscuring: (See Fence, View-Obscuring)

(Added by Ord. NO. 5786 (N.S.) adopted 6-4-80)

Water Feature, Major: Lake, stream, fountain or pond greater than or equal to 1,000 sq. ft. in surface area.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Water Feature, Minor: Lake, stream, fountain or pond less than 1,000 sq. ft. in surface area.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Wetland: All lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by water. All lands having one or more of the following attributes are "wetlands":

- a. At least periodically, the land supports predominantly hydrophytes;
- b. The substrate is predominantly undrained hydric soil; or
- c. The substrate is nonsoil and is saturated with water or covered by water at some time during the growing season of each year.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Wetland Buffer: Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Windmill: A device which converts the kinetic energy of the wind into a useable form of mechanical energy.

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)



## USE CLASSIFICATIONS

### GENERAL CLASSIFICATION RULES

#### 1200 GENERAL INTENT OF THE USE CLASSIFICATIONS.

The provisions of Section 1200 through Section 1899, inclusive, shall be known as the Use Classifications. The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Zoning Ordinance.

#### 1205 LISTING OF USE CLASSIFICATIONS.

All uses are hereby classified into the following use types, which are described in Section 1250 through Section 1899, inclusive. See Section 1215 for classification of combinations of uses resembling different types. The names of these use types start with capital letters throughout the Zoning Ordinance.

##### a. Residential Use Types.

Family Residential  
Group Residential  
Mobilehome Residential

##### b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Essential Services  
Fire Protection Services  
Group Care  
Law Enforcement Services  
Major Impact Services and Utilities  
Minor Impact Utilities  
Parking Services  
Postal Services  
Small Schools  
Wind Turbine System, Medium

## c. Commercial Use Types.

Administrative and Professional Services  
 Adult Entertainment Establishments  
 Agricultural and Horticultural Sales: Agricultural  
 Agricultural and Horticultural Sales: Horticultural  
 Agricultural Services  
 Animal Sales and Services: Auctioning  
 Animal Sales and Services: Grooming  
 Animal Sales and Services: Horse Stables  
 Animal Sales and Services: Kennels  
 Animal Sales and Services: Stockyards  
 Animal Sales and Services: Veterinary (Large Animals)  
 Animal Sales and Services: Veterinary (Small Animals)  
 Automotive and Equipment: Cleaning  
 Automotive and Equipment: Fleet Storage  
 Automotive and Equipment: Parking  
 Automotive and Equipment: Repairs, Heavy Equipment  
 Automotive and Equipment: Repairs, Light Equipment  
 Automotive and Equipment: Sales/Rentals, Farm Equipment  
 Automotive and Equipment: Sales/Rentals, Heavy Equipment  
 Automotive and Equipment: Sales/Rentals, Light Equipment  
 Automotive and Equipment: Storage, Nonoperating Vehicles  
 Automotive and Equipment: Storage, Recreational Vehicles and Boats  
 Building Maintenance Services  
 Business Equipment Sales and Services  
 Business Support Services  
 Communications Services  
 Construction Sales and Services  
 Convenience Sales and Personal Services  
 Cottage Industries  
 Drug Paraphernalia Establishment  
 Eating and Drinking Establishments  
 Explosive Storage  
 Financial, Insurance and Real Estate Services  
 Food and Beverage Retail Sales  
 Funeral and Interment Services: Cremating  
 Funeral and Interment Services: Interring  
 Funeral and Interment Services: Undertaking  
 Gasoline Sales  
 Laundry Services  
 Medical Services  
 Participant Sports and Recreation: Indoor  
 Participant Sports and Recreation: Outdoor  
 Personal Services, General  
 Recycling Collection Facility: Small  
 Recycling Collection Facility: Large  
 Recycling Processing Facility: Light  
 Recycling Processing Facility: Heavy  
 Recycling Processing Facility: Wood and Green Materials

Repair Services, Consumer  
 Research Services  
 Retail Sales: General  
 Retail Sales: Specialty  
 Scrap Operations  
 Spectator Sports and Entertainment: Limited  
 Spectator Sports and Entertainment: General  
 Swap Meets  
 Transient Habitation: Campground  
 Transient Habitation: Lodging  
 Transient Habitation: Resort  
 Transient Habitation: Rental Units  
 Wholesaling, Storage and Distribution: Mini-Warehouses  
 Wholesaling, Storage and Distribution: Light  
 Wholesaling, Storage and Distribution: Heavy

d. Industrial Use Types.

Custom Manufacturing  
 General Industrial  
 Heavy Industrial

e. Agricultural Use Types.

Horticulture: Cultivation  
 Horticulture: Storage  
 Tree Crops  
 Row and Field Crops  
 Animal Raising  
 Animal Waste Processing  
 Packing and Processing: Limited  
 Packing and Processing: General  
 Packing and Processing: Support  
 Packing and Processing: Winery  
 Packing and Processing: Boutique Winery  
 Packing and Processing: Wholesale Limited Winery  
 Agricultural Equipment Storage  
 Farm Labor Camp

f. Extractive Use Types.

Mining and Processing  
 Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
 (Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
 (Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)

(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)  
 (Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 1215 CLASSIFICATION OF COMBINATIONS OF PRINCIPAL USES.

The following rules shall apply where a lot contains uses which resemble two or more different use types and which are not classified either as accessory uses (Section 6150) or as permitted secondary uses.

- a. Separate Classification of Several Establishments. The principal uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types.
- b. Classification of Different Uses Conducted by Individual Establishment. If principal uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types, all such principal uses shall be classified in the use types whose description most closely portrays the nature of such uses. However, when the principal uses have any of the characteristics of the following list of use types, all such principal uses shall be classified in one or more of the use types on the list:

Animal Sales and Services: Auctioning  
 Animal Sales and Services: Stockyards  
 Animal Waste Processing  
 Explosive Storage  
 General Industrial  
 Heavy Industrial  
 Major Impact Services and Utilities  
 Mining and Processing  
 Scrap Operations  
 Wholesaling, Storage and Distribution: Heavy

This provision for classifying uses on the above list shall not apply to areas subject to the Fallbrook Village Regulations.

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. 9620 (N.S.) adopted 12-10-03)

#### 1220 CLASSIFYING USES.

Uses will be classified into use types based upon the description of the use types as contained in Section 1250 through Section 1899, inclusive, and upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 1215 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Director. The Director shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

## RESIDENTIAL USE TYPES

### 1250 GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES.

Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis; but exclude institutional living arrangements involving those providing 24-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons. They also include certain uses accessory to the above, as specified in Section 6150, Accessory Use Regulations.

### 1260 FAMILY RESIDENTIAL.

The Family Residential use type refers to the residential occupancy of living units by families on a weekly or longer basis. Typical uses include occupancy of dwelling or apartment.

### 1265 GROUP RESIDENTIAL.

The Group Residential use type refers to the residential occupancy of living units by persons who do not live together as a single housekeeping unit but have a common kitchen facility. Typical uses include occupancy of sorority houses, retirement homes or boarding houses. If in addition to the common kitchen facility, any living unit includes a separate kitchen, that living unit shall be counted as a dwelling unit in calculating density pursuant to Section 4115.

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

### 1280 MOBILEHOME RESIDENTIAL.

The Mobilehome Residential use type refers to the residential occupancy of mobilehomes by families on a weekly or longer basis. Typical uses include mobilehome parks or mobilehome condominiums.

1300

## CIVIC USE TYPES

### 1300 GENERAL DESCRIPTION OF CIVIC USE TYPES.

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, government, and other uses which are strongly vested with public or social importance. They also include certain uses accessory to the above, as specified in Section 6150, Accessory Use Regulations.

### 1310 ADMINISTRATIVE SERVICES.

The Administrative Services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles.

### 1315 AMBULANCE SERVICES.

The Ambulance Services use type refers to the transportation of ill or injured persons to and from treatment facilities together with incidental storage and maintenance of necessary vehicles.

### 1320 CLINIC SERVICES.

The Clinic Services use type refers to providing non-profit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.

### 1325 COMMUNITY RECREATION.

The Community Recreation use type refers to recreational, social or multi-purpose uses within buildings with no fixed seats and occupancy limited to 500 persons.

### 1330 CULTURAL EXHIBITS AND LIBRARY SERVICES.

The Cultural Exhibits and Library Services use type refers to non-profit, museum-like preservation, exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

### 1332 CHILD CARE CENTER.

The Child Care Center use type refers to the care of children in a state- licensed child care center, but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities. Typical uses include child care centers, preschools and day nurseries.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)

### 1335 ESSENTIAL SERVICES.

The Essential Services use type refers to services which are necessary to support principal development and involve only minor structures, such as utility lines and/or poles, which are necessary to support principal development. Essential Services also includes a public passive park/recreational area.

(Amended by Ord. No. 8340 (N.S.) adopted 12-15-93)

### 1340 FIRE PROTECTION SERVICES.

The Fire Protection Services use type refers to the providing of fire protection by a district or an entity organized pursuant to Health and Safety Code Sections 14825 et seq. and the housing of fire trucks, fire fighting personnel and related equipment.

### 1345 GROUP CARE.

The Group Care use type refers to services provided in facilities and authorized, certified or licensed by the State to provide board, room and personal care to 7 or more persons or dependent and neglected children or in facilities authorized to provide day care services but excluding those uses classified under Child Care Center or Major Impact Services and Utilities. Typical uses include halfway houses, intermediate care facilities, and, day care facilities serving more than 50 persons.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

### 1346 LAW ENFORCEMENT SERVICES.

The Law Enforcement Services use type refers to the provision of police protection by a governmental agency, including administrative offices, storage of equipment and the open or enclosed parking of patrol vehicles.

(Added by Ord. No. 8175 (N.S.) adopted 11-18-92)

### 1348 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.

The Civic, Fraternal or Religious Assembly use type refers to meetings and activities attended regularly by and conducted primarily for their members, by nonprofit organizations which are tax-exempt pursuant to Section 501 (c) of the Internal Revenue Code and which may meet during or after regular business hours. Typical uses include meeting places for civic clubs, ethnic associations, social clubs, scouting organizations (other than 1505, Participant Sports and Recreation), churches, mosques, synagogues, temples, or fraternal or veterans organizations. Excluded from this use type are uses classified as Group Residential, Group Care, or Transient Habitation (all types).

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**1350 MAJOR IMPACT SERVICES AND UTILITIES.**

The Major Impact Services and Utilities use type refers to public services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are schools, sanitary landfills, public and private airports, public park/playground/recreational areas (other than public passive park/ recreational areas), hospitals, psychiatric facilities, cemeteries, nursing homes or detention and correction institutions.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 7850 (N.S.) adopted 1-16-91)  
(Amended by Ord. No. 8340 (N.S.) adopted 12-15-93)

**1355 MINOR IMPACT UTILITIES.**

The Minor Impact Utilities use type refers to public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations.

**1360 PARKING SERVICES.**

The Parking Services use type refers to parking services involving garages and lots which are publicly operated.

**1365 POSTAL SERVICES.**

The Postal Service use type refers to mailing services excluding major processing, owned or operated by governmental agencies as traditionally provided by the United States Postal Service.

**1375 SMALL SCHOOLS.**

The Small Schools use type refers to the education of 7 or more (but not more than 50) children, elderly persons, or handicapped persons, but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities. Typical uses include day care facilities for the elderly, and schools for not more than 50 children or adults.

(Added by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)  
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
 (Amended by Ord. No. 7818 (N.S.) adopted 9-26-90)  
 (Amended by Ord. No. 7982 (N.S.) adopted 10-02-91)  
 (Amended by Ord. No. 9422 (N.S.) adopted 1-9-02)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)

#### 1740 AGRICULTURAL EQUIPMENT STORAGE.

The Agricultural Equipment Storage use type refers to the storage and minor repair of farm implements and equipment including but not limited to vehicles, tractors, wagons, bailers, combines, fencing materials and irrigation pipe which are customarily used in tilling, harvesting and transporting plant or animal products when such storage is not accessory to agricultural use of the property and the property would otherwise be considered vacant, unproductive or only partly productive. The Agricultural Equipment Storage use type does not include the storage of pesticides or herbicides or the underground storage of fuel. Any use permit granted for Agricultural Equipment Storage shall include a finding that said equipment is necessary for agricultural operations located a reasonable distance from the storage site on land owned or leased by the same person owning or leasing the storage site.

(Added by Ord. No. 6855 adopted 10-10-84)

#### 1750 FARM LABOR CAMP.

The Farm Labor Camp use type refers to the occupancy by 13 or more Farm Employees and their families of a living unit or units or 37 or more beds in a group quarters, without regard to duration. A Farm Labor Camp is allowed exclusively in association with the performance of commercial agricultural labor.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)



## RESIDENTIAL USE REGULATIONS

RS# SINGLE FAMILY RESIDENTIAL USE REGULATIONS  
 RD# DUPLEX/TWO FAMILY RESIDENTIAL USE REGULATIONS  
 RM# MULTI-FAMILY RESIDENTIAL USE REGULATIONS  
 RV# VARIABLE FAMILY RESIDENTIAL USE REGULATIONS  
 (# = Number which denotes approximate dwelling units per acre.)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

### 2100 INTENT.

The provisions of Section 2100 through Section 2109, inclusive, shall be known as the RS Single Family Residential Use Regulations, the RD Duplex/ Two Family Residential Use Regulations, the RM Multi-Family Residential Use Regulations, or the RV Variable Family Residential Use Regulations, depending on the building type specified in the title. These Use Regulations are intended to create and enhance areas where family residential uses are the principal and dominant use and where certain civic uses are conditionally permitted when they serve the needs of residents. Typically, these Use Regulations would be applied to rural, suburban, and urban areas where adequate levels of public service are available and where there is a desire to create residential neighborhoods and to maintain such neighborhoods once developed. Application of the appropriate Use Regulations with appropriate development designators can create a traditional, exclusively single-family residential area, a duplex or two- family residential area, a multi-family residential area, or an area with a combination of single family, duplex, two-family or multi-family dwellings.

### 2102 PERMITTED USES.

The following use types are permitted by the RS, RD, RM, and RV Use Regulations:

a. Residential Use Types.

Family Residential

b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

2102

c. Agricultural Use Types.

Horticulture: Cultivation  
Tree Crops  
Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

2103 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the RS, RD, RM and RV Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Mobilehome Residential "18"

b. Commercial Use Types.

Recycling Collection Facility, Small "2"

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2104 USES SUBJECT TO MINOR USE PERMIT.

The following use types are permitted by the RS, RD, RM, and RV Use Regulations, upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

2105 USES SUBJECT TO MAJOR USE PERMIT.

The following use types are permitted by the RS, RD, RM, and RV Use Regulations, upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services

Community Recreation  
 Cultural Exhibits and Library Services  
 Group Care  
 Major Impact Services and Utilities  
 Parking Services  
 Postal Services

b. Commercial Use Types.

Wholesaling, Storage and Distribution: Mini-Warehouses, RM and RV only (See Section 6300 and Section 6909)

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)  
 (Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6984 (N.S.) adopted 7-03-85)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2106 USES SUBJECT TO MAJOR USE PERMIT IN CERTAIN PLANNED DEVELOPMENTS. The following use types are permitted by the RS, RD, RM, and RV Use Regulations if approved by a major use permit as part of a Planned Development which has the minimum site area required by Section 6610 and which is developed pursuant to the Planned Development Standards commencing at Section 6600.

a. Commercial Use Types.

Administrative and Professional Services  
 Agricultural and Horticultural Sales (all types)  
 Automotive and Equipment: Parking  
 Business Support Services  
 Convenience Sales and Personal Services  
 Eating and Drinking Establishments  
 Financial, Insurance and Real Estate Services  
 Food and Beverage Retail Sales  
 Medical Services  
 Participant Sports and Recreation (all types)  
 Personal Services, General  
 Retail Sales: General  
 Retail Sales: Specialty  
 Spectator Sports and Entertainment: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5878 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

2140

RU# URBAN RESIDENTIAL USE REGULATIONS

(# = Number which denotes approximate dwelling units per acre.)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

2140 INTENT.

The provisions of Section 2140 through Section 2149, inclusive, shall be known as the RU Urban Residential Use Regulations. The RU Use Regulations are intended to create and enhance areas where permanent family residential uses are permitted and institutional residential care uses are conditionally permitted and civic uses are permitted when they serve the needs of the residents. Typically, the RU Use Regulations would be applied to rural, suburban, or urban areas where adequate levels of public services are available. Various applications of the RU Use Regulations with appropriate development designators can create areas which have a single-family character or areas which, because of the scale of structures, are recognizable as high-density areas.

2142 PERMITTED USES.

The following use types are permitted by the RU Use Regulations:

a. Residential Use Types.

Family Residential  
Group Residential

b. Civic Use Types.

Essential Services  
Fire Protection Services (see Section 6905)

c. Agricultural Use Types.

Horticulture: Cultivation  
Tree Crops  
Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

#### 2143 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the RU Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

##### a. Residential Use Types.

Mobilehome Residential "18"

##### b. Commercial Use Types.

Recycling Collection Facility, Small "2"

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

#### 2144 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the RU Use Regulations upon issuance of a Minor Use Permit.

##### a. Civic Use Types.

Cultural Exhibits and Library Services  
Minor Impact Utilities  
Small Schools

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

#### 2145 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the RU Use Regulations upon issuance of a Major Use Permit.

##### a. Civic Use Types.

Administrative Services  
Ambulance Services (see Section 6900)  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

2145

b. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2146        USES SUBJECT TO MAJOR USE PERMIT IN CERTAIN PLANNED DEVELOPMENTS. The following use types are permitted by the RU Use Regulations if approved by a major use permit as part of a Planned Development which has the minimum site area required by Section 6610 and which is developed pursuant to the Planned Development Standards commencing at Section 6600.

a. Commercial Use Types.

Administrative and Professional Services

Agricultural and Horticultural Sales (all types)

Automotive and Equipment: Parking

Business Support Services

Convenience Sales and Personal Services

Eating and Drinking Establishments

Financial, Insurance and Real Estate Services

Food and Beverage Retail Sales

Medical Services

Participant Sports and Recreation (all types)

Personal Services, General

Retail Sales: General

Retail Sales: Specialty

Spectator Sports and Entertainment: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)



RMH#            MOBILEHOME RESIDENTIAL USE REGULATIONS

(# - Number which denotes approximate dwelling units per acre.)

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

2160            INTENT.

The provisions of Sections 2160 through 2168, inclusive, shall be known as the RMH Mobilehome Residential Use Regulations. These regulations are intended to create and preserve areas for Mobilehome Residential uses; and to avoid the economic and social dislocations, and reduction of housing stock resulting from conversion of mobilehome parks to other uses. Typically, these Use Regulations would be applied to rural, suburban, and urban areas where adequate levels of public services are available and where it is appropriate to create a permanent mobilehome residential area and maintain such area once developed. Various applications of the RMH Use Regulations with appropriate development or special area designators can create a low density, rural mobilehome environment, a traditional urban mobilehome park, or mobilehome subdivisions.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

2162            PERMITTED USES.

The following use types are permitted by the RMH Use Regulations:

a.      Civic Use Types.

Essential Services  
Fire Protection Services (see Section 6905)

b.      Agricultural Use Types.

Horticulture: Cultivation  
Tree Crops  
Row and Field Crops

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

2163            PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the RMH Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

2163

a. Residential Use Types.

Mobilehome Residential "18"

b. Commercial Use Types.

Recycling Collection Facility, Small "2"

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2164 USES SUBJECT TO MINOR USE PERMIT.

The following use types are permitted by the RMH Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

2165 USES SUBJECT TO MAJOR USE PERMIT.

The following use types are permitted by the RMH Use Regulations, upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

b. Extractive Use Types.

Site Preparation

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2166        USES SUBJECT TO MAJOR USE PERMIT IN CERTAIN PLANNED DEVELOPMENTS. The following use types are permitted by the RMH Use Regulations if approved by a major use permit as part of a Planned Development which has the minimum site area required by Section 6610 and which is developed pursuant to the Planned Development Standards commencing at Section 6600.

a.        Commercial Use Types.

Administrative and Professional Services  
 Agricultural and Horticultural Sales (all types)  
 Automotive and Equipment: Parking  
 Business Support Services  
 Convenience Sales and Personal Services  
 Eating and Drinking Establishments  
 Financial, Insurance and Real Estate Services  
 Food and Beverage Retail Sales  
 Medical Services  
 Participant Sports and Recreation (all types)  
 Personal Services, General  
 Retail Sales: General  
 Retail Sales: Specialty  
 Spectator Sports and Entertainment: Limited

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)  
 (Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

2168        SPECIAL PROVISIONS: RMH USE REGULATIONS.

The following are permitted by the RMH Use Regulations prior to establishment of mobilehome residential uses.

- a.        A Major Use Permit may be granted to authorize, for a specified period of time, any use not involving a significant investment in buildings, structures or other improvements. Alternatively, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County.
- b.        An Administrative Permit may be granted by the Director to authorize alteration or expansion of existing structures, or erection of accessory structures, if such construction does not hinder the eventual development of the property for Mobilehome Residential uses.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
 (Amended by Ord. No. 8506 (N.S.) adopted 3-1-95)



## RR# RURAL RESIDENTIAL USE REGULATIONS

(# = Number which denotes approximate dwelling units per acre.)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

### 2180 INTENT.

The provisions of Section 2180 through 2189, inclusive, shall be known as the RR Rural Residential Use Regulations. The RR Use Regulations are intended to create and enhance residential areas where agricultural use compatible with a dominant, permanent residential use is desired. Typically, the RR Use Regulations would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired. Various applications of the RR Use Regulations with appropriate development designators can create buffers between residential and agricultural uses, family or small farm areas, or large lot rural residential developments.

### 2182 PERMITTED USES.

The following use types are permitted by the RR Use Regulations:

#### a. Residential Use Types.

Family Residential

#### b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

#### c. Agricultural Use Types.

Horticulture (all types)

Tree Crops

Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

### 2183 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the RR Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

#### a. Residential Use Types.

Mobilehome Residential "18"

2183

b. Commercial Use Types.

Recycling Collection Facility, Small "2"

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2184 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the RR Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities

Small Schools

b. Commercial Use Types.

Cottage Industries (see Section 6920)

c. Agricultural Use Types

Farm Labor Camps

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 7790 (N.S.) adopted 8-01-90)

(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)

(Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)

(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

2185 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the RR Use Regulations upon issuance of a Major Use Permit.

a. Residential Use Types.

Group Residential

b. Civic Use Types.

Administrative Services

Ambulance Services

Child Care Center

Civic, Fraternal or Religious Assembly

Clinic Services

Community Recreation

Cultural Exhibits and Library Services

Group Care  
 Law Enforcement Services  
 Major Impact Services and Utilities  
 Parking Services  
 Postal Services

- c. Commercial Use Types.  
 Participant Sports and Recreation: Outdoor  
 Transient Habitation: Campground (see Section 6450)  
 Transient Habitation: Resort (see Section 6400)  
 Wholesaling, Storage and Distribution: Mini-Warehouses Warehouses (see Section 6300 and Section 6909)
- d. Agricultural Use Types.  
 Packing and Processing: Limited  
 Packing and Processing: Winery
- e. Extractive Use Types.  
 Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6984 (N.S.) adopted 7-03-85)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)





c. Agricultural Use Types.

Horticulture: Cultivation  
Tree Crops  
Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

2223 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the RRO Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Mobilehome Residential "18"

b. Commercial Use Types.

Recycling Collection Facility, Small "2"

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2224 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the RRO Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

2225 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the RRO Use Regulations upon issuance of a Major Use Permit.

a. Residential Use Types.

Group Residential

b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center

2225

Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Major Impact Services and Utilities  
Parking Services  
Postal Services

c. Commercial Use Types.

Convenience Sales and Personal Services  
Eating and Drinking Establishments  
Food and Beverage Retail Sales  
Participant Sports and Recreation: Outdoor  
Transient Habitation: Campground (see Section 6450)  
Transient Habitation: Resort (see Section 6400)

d. Agricultural Use Types.

Packing and Processing: Limited  
Packing and Processing: Winery

e. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2226        USES SUBJECT TO MAJOR USE PERMIT IN CERTAIN PLANNED DEVELOPMENTS. The following use types are permitted in the RRO Use Regulations if approved by a major use permit as part of a Planned Development which has the minimum site area required by Section 6610 and which is developed pursuant to the Planned Development Standards commencing at Section 6600.

a. Commercial Use Types.

Administrative and Professional Services  
Agricultural and Horticultural Sales (all types)  
Animal Sales and Services: Veterinary (Small Animals)  
Automotive and Equipment: Parking

Business Support Services  
Financial, Insurance and Real Estate Services  
Medical Services  
Participant Sports and Recreation: Indoor  
Personal Services, General  
Retail Sales: General  
Retail Sales: Specialty  
Spectator Sports and Entertainment: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

## RC RESIDENTIAL/COMMERCIAL USE REGULATIONS

## 2260 INTENT.

The provisions of Section 2260 through Section 2269, inclusive, shall be known as the RC Residential/Commercial Use Regulations. The RC Use Regulations are intended to create and enhance neighborhoods where a mixture of residential, professional, and convenience commercial uses is desired. Typically, the RC Use Regulations would be one in which a few specific types of convenience commercial services would be permitted in a residential area. Commercial uses would be subordinate to the dominant residential character of the area and would be designed principally with a pedestrian orientation. Various applications of the RC Use Regulations with appropriate development designators could create single-family areas where professional and commercial uses are conducted on the ground floor with residential units in upper stories, or area where commercial uses would be conducted in separate structures built at the same scale as adjacent residential structures.

## 2262 PERMITTED USES.

The following use types are permitted by the RC Use Regulations:

## a. Residential Use Types.

Family Residential  
Group Residential

## b. Civic Use Types.

Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Cultural Exhibits and Library Services  
Essential Services  
Fire Protection Services (see Section 6905)  
Group Care  
Small Schools

## c. Agricultural Use Types.

Horticulture: Cultivation  
Tree Crops  
Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

COMMERCIAL USE REGULATIONS**C30 OFFICE-PROFESSIONAL USE REGULATIONS****2300 INTENT.**

The provisions of Section 2300 through Section 2309, inclusive, shall be known as the C30 Office-Professional Use Regulations. The C30 Use Regulations are intended to create and enhance areas where administrative, office and professional services are the principal and dominant use. It is also intended that uses involving high volumes of vehicular traffic be excluded from the C30 Use Regulations. Typically, the C30 Use Regulations would be applied near residential areas, have a scale and appearance compatible with and complementary to the adjacent residential use, and have pedestrian as well as vehicular access.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

**2302 PERMITTED USES.**

The following use types are permitted by the C30 Use Regulations:

**a. Civic Use Types.**

- Administrative Services
- Ambulance Services
- Child Care Center
- Clinic Services
- Cultural Exhibits and Library Services
- Essential Services
- Fire Protection Services (see Section 6905)
- Law Enforcement Services
- Parking Services
- Small Schools

**b. Commercial Use Types.**

- Administrative and Professional Services
- Business Support Services
- Financial, Insurance and Real Estate Services
- Medical Services
- Personal Services: General

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

2303

**2303 PERMITTED USES SUBJECT TO LIMITATIONS.**

The following use types are permitted by the C30 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

**a. Commercial Use Types.**

Convenience Sales and Personal Services "10"  
Eating and Drinking Establishments "10"  
Food and Beverage Retail Sales "10"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

**2304 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are permitted by the C30 Use Regulations upon issuance of a Minor Use Permit.

**a. Civic Use Types.**

Minor Impact Utilities

**b. Commercial Use Types.**

Automotive and Equipment: Parking  
Communications Services

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

**2305 USES SUBJECT TO A MAJOR USE PERMIT.**

The following use types are permitted by the C30 Use Regulations upon issuance of a Major Use Permit.

**a. Civic Use Types.**

Civic, Fraternal or Religious Assembly  
Community Recreation  
Major Impact Services and Utilities  
Postal Services

b. Commercial Use Types.

Research Services

Funeral and Interment Services: Undertaking

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2310

## C31 RESIDENTIAL-OFFICE-PROFESSIONAL USE REGULATIONS

### 2310 INTENT.

The provisions of Section 2310 through Section 2319, inclusive, shall be known as the C31 Residential-Office-Professional Use Regulations. The C31 Use Regulations are intended to create and enhance areas where administrative, office, and professional services are the principal and dominant use. It is also intended that uses involving high volumes of vehicular traffic be excluded from the C31 Use Regulations. Typically, the C31 Use Regulations would be applied near residential areas, have a scale and appearance compatible with and complementary to the adjacent residential use, and have pedestrian as well as vehicular access. When considered desirable, residential uses may be permitted.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

### 2312 PERMITTED USES.

The following use types are permitted by the C31 Use Regulations:

a. Residential Use Types.

Family Residential  
Group Residential

b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Clinic Services  
Cultural Exhibits and Library Services  
Essential Services  
Fire Protection Services (see Section 6905)  
Group Care  
Parking Services  
Small Schools

c. Commercial Use Types.

Administrative and Professional Services  
Business Support Services  
Financial, Insurance and Real Estate Services  
Medical Services  
Personal Services: General

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)



### 2313 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C31 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

#### a. Commercial Use Types.

Convenience Sales and Personal Services "10"  
 Eating and Drinking Establishments "10"  
 Food and Beverage Retail Sales "10"  
 Recycling Collection Facility, Small or Large "2"  
 Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

### 2314 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the C31 Use Regulations upon issuance of a Minor Use Permit.

#### a. Civic Use Types.

Minor Impact Utilities

#### b. Commercial Use Types.

Automotive and Equipment: Parking  
 Communications Services

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

### 2315 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C31 Use Regulations upon issuance of a Major Use Permit.

#### a. Civic Use Types.

Civic, Fraternal or Religious Assembly  
 Community Recreation  
 Law Enforcement Services  
 Major Impact Services and Utilities  
 Postal Services

2315

b. Commercial Use Types.

Funeral and Internment Services: Undertaking  
Research Services

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## C32 CONVENIENCE COMMERCIAL USE REGULATIONS

### 2320 INTENT.

The provisions of Section 2320 through Section 2329, inclusive, shall be known as the C32 Convenience Commercial Use Regulations. The C32 Use Regulations are intended to create and enhance areas where a limited number of retail commercial goods and services are desired to meet day-to-day needs of local residents. Typically, the C32 Use Regulations would be applied within walking or short driving distance of a residential area, would be designed to serve only a limited local market, and would permit only those uses which do not create in the adjacent residential area increased traffic, noise or other such impacts considered incompatible with the residential use. Various applications of the C32 Use Regulations with appropriate development designators can create shopping areas which serve low-density neighborhoods, more urbanized, high-density residential or transient use areas.

### 2322 PERMITTED USES.

The following use types are permitted by the C32 Use Regulations:

#### a. Civic Use Types.

Child Care Center  
Essential Services  
Fire Protection Services (see Section 6905)  
Law Enforcement Services  
Small Schools

#### b. Commercial Use Types.

Convenience Sales and Personal Services  
Eating and Drinking Establishments  
Food and Beverage Retail Sales

#### c. Agricultural Use Types.

Horticulture: Cultivation  
Tree Crops  
Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

### 2323 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C32 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

2323

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2324 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the C32 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities

b. Commercial Use Types.

Automotive and Equipment: Parking

Participant Sports and Recreation: Indoor

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture: Storage

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 7843 (N.S.) adopted 12-19-90)

2325 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C32 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services

Ambulance Services

Civic, Fraternal or Religious Assembly

Clinic Services

Community Recreation

Cultural Exhibits and Library Services

Major Impact Services and Utilities  
Parking Services  
Postal Services

b. Commercial Use Types.

Gasoline Sales

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**C34 GENERAL COMMERCIAL/RESIDENTIAL USE REGULATIONS****2340 INTENT.**

The provisions of Section 2340 through 2349, inclusive, shall be known as the C34 General Commercial/Residential Use Regulations. The C34 Use Regulations are intended to create and enhance areas where a mixture of commercial uses and residential uses is desired. Typically, the C34 Use Regulations would be applied in areas where multi-family dwellings in combination with commercial uses are desired. Various applications of the C34 Use Regulations with appropriate development designators can create areas where a single structure may serve a principal commercial function and a secondary residential use, or where a separate residential or a commercial structure is appropriate.

**2341 SITE PLAN REVIEW REQUIRED.**

All development within the C34 General Commercial/Residential Use Regulations, except developments containing only residential or civic uses, shall require site plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

- a. Content of the Site Plan. A site plan required by this section shall contain such maps, plans, drawings and sketches as are necessary to show:
  1. The location, use and entrances and exits of all proposed buildings and structures and their relationship to existing buildings and structures located on and in the immediate vicinity of the development site.
  2. The internal circulation of the development site, including the location, size, and capacity of all roads and driveways, parking areas, pedestrian walkways, and bicycle paths, and the relationship of this plan to the existing circulation pattern of the area surrounding the development site.
  3. The location, size and type of all existing vegetation and all proposed landscaping.
- b. Relationship to Subdivision Ordinance. Any tentative map or tentative parcel map which is required by the Subdivision Ordinance shall be used to the maximum extent possible in satisfying the requirements of subsection "a" of this section.
- c. Standards and Criteria. The following standards and criteria shall be followed by the Director in his review and evaluation of a site plan required by this section.

1. Proposed uses, including uses within a mixed residential/commercial development, shall be functionally and visually compatible with one another and with other uses, buildings and structures in the immediate vicinity.
  2. The internal circulation plan shall provide adequate and convenient access to the variety of uses contained within the development site. Common access serving more than one use or facility shall be provided whenever possible and in a manner which prevents mutual interference.
  3. The internal circulation plan shall conform to and, where possible, strengthen the existing circulation pattern of the area surrounding the development site.
  4. The proposed landscaping should be compatible with existing landscaping and should take into consideration the appropriateness of selected plant materials to the area. Landscaping and plantings should be used to the maximum extent practical to screen unsightly parking, storage and utility areas. Landscaping and plantings should not obstruct significant views, either when installed or when they reach mature growth.
- d. Exemption for Signs. A site plan shall not be required for addition of new signs or modification of existing signs, provided the site is not subject to an approved site plan that designates sign location and that all such signs comply with all other pertinent requirements of this ordinance. This exemption shall not apply to any site subject to the Community Design Review, Historic Landmark, Historic District, or Design Review Special Area Regulations.

(Amended by Ord. 8105 (N.S.) adopted 7-15-92)

#### 2342 PERMITTED USES.

The following use types are permitted by the C34 Use Regulations:

a. Residential Use Types.

Family Residential  
Group Residential

b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Essential Services

- Fire Protection Services (see Section 6905)
- Group Care
- Law Enforcement Services
- Parking Services
- Postal Services
- Small Schools

c. Commercial Use Types.

- Administrative and Professional Services
- Agricultural and Horticultural Sales (all types)
- Animal Sales and Services: Grooming
- Automotive and Equipment: Parking
- Automotive and Equipment: Sales/Rentals, Light Equipment (see Section 6800)
- Business Support Services
- Communications Services
- Convenience Sales and Personal Services
- Eating and Drinking Establishments
- Financial, Insurance and Real Estate Services
- Food and Beverage Retail Sales
- Medical Services
- Personal Services, General
- Repair Services, Consumer
- Retail Sales: General
- Retail Sales: Specialty
- Transient Habitation: Lodging

d. Industrial Use Types.

- Custom Manufacturing (see Section 6300)

e. Agricultural Use Types.

- Horticulture (all types)
- Tree Crops
- Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2343 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C34 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.



## C35 GENERAL COMMERCIAL/LIMITED RESIDENTIAL USE REGULATIONS

### 2350 INTENT.

The provisions of Section 2350 through 2355, inclusive, shall be known as the C35 General Commercial/Limited Residential Use Regulations. The C35 Use Regulations are intended to create and enhance areas where a mixture of commercial uses and residential uses is desired. Typically, the C35 Use Regulations would be applied in areas where multi-family dwellings in combination with commercial uses are desired. Various applications of the C35 Use Regulations with appropriate development designators can create areas where a single structure may serve a principal commercial function and a secondary residential use, or where a separate residential or a commercial structure is appropriate.

(Added by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)

### 2352 PERMITTED USES.

The following use types are permitted by the C35 Use Regulations:

#### a. Civic Use Types.

- Administrative Services
- Ambulance Services
- Child Care Center
- Civic, Fraternal or Religious Assembly
- Clinic Services
- Community Recreation
- Cultural Exhibits and Library Services
- Essential Services
- Fire Protection Services (see Section 6905)
- Group Care
- Law Enforcement Services
- Parking Services
- Postal Services
- Small Schools

#### b. Commercial Use Types.

- Administrative and Professional Services
- Agricultural and Horticultural Sales (all types)
- Animal Sales and Services: Grooming
- Automotive and Equipment: Parking
- Automotive and Equipment: Sales/Rentals, Light Equipment(see Section 6800)
- Business Support Services
- Convenience Sales and Personal Services
- Communications Services
- Eating and Drinking Establishments

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Financial, Insurance and Real Estate Services  
Food and Beverage Retail Sales  
Medical Services  
Personal Services, General  
Repair Services: Consumer  
Retail Sales, General  
Retail Sales: Specialty  
Transient Habitation: Lodging

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)  
Tree Crops  
Row and Field Crops

(Added by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)  
(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2353 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C35 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Business Equipment Sales and Services "7"  
Construction Sales and Services "8"  
Gasoline Sales "12"  
Laundry Services "13"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

(Added by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

#### 2354 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the C35 Use Regulations upon issuance of a Minor Use Permit:

a. Civic Use Types.

Minor Impact Utilities

b. Commercial Use Types.

Automotive and Equipment: Sales/Rentals, Farm Equipment  
Participant Sports and Recreation: Indoor

(Added by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)

#### 2355 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C35 Use Regulations upon issuance of a Major Use Permit.

a. Residential Use Types.

Family Residential

b. Civic Use Types.

Major Impact Services and Utilities

c. Commercial Use Types.

Animal Sales and Services: Veterinary (Small Animals)  
Automotive and Equipment: Storage, Recreational Vehicles and Boats  
Funeral and Interment Services (all types)  
Research Services  
Spectator Sports and Entertainment (all types)  
Transient Habitation: Campground (see Section 6450)

d. Extractive Use Types.

Site Preparation

(Added by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)

## C36 GENERAL COMMERCIAL USE REGULATIONS

## 2360 INTENT.

The provisions of Section 2360 through Section 2369, inclusive, shall be known as the C36 General Commercial Use Regulations. The C36 Use Regulations are intended to create and enhance commercial areas where a wide range of retail goods and services are permitted. Typically, the C36 Use Regulations would be applied where central area commercial facilities were desired in association with administrative and office uses. Various applications of the C36 Use Regulations with appropriate development designators can create community or regional shopping complexes, central business districts, or small but highly diverse commercial developments.

## 2362 PERMITTED USES.

The following use types are permitted by the C36 Use Regulations:

## a. Civic Use Types.

- Administrative Services
- Ambulance Services
- Child Care Center
- Civic, Fraternal or Religious Assembly
- Clinic Services
- Community Recreation
- Cultural Exhibits and Library Services
- Essential Services
- Fire Protection Services (see Section 6905)
- Law Enforcement Services
- Minor Impact Utilities
- Parking Services
- Postal Services
- Small Schools

## b. Commercial Use Types.

- Administrative and Professional Services
- Agricultural and Horticultural Sales (all types)
- Animal Sales and Services: Grooming
- Animal Sales and Services: Veterinary (Small Animals)
- Automotive and Equipment: Parking
- Automotive and Equipment: Repairs, Light Equipment

Automotive and Equipment: Sales/Rentals, Farm Equipment  
 Automotive and Equipment: Sales/Rentals, Light Equipment  
 Business Support Services  
 Communications Services

Convenience Sales and Personal Services  
 Eating and Drinking Establishments  
 Financial, Insurance and Real Estate Services  
 Food and Beverage Retail Sales  
 Funeral and Interment Services: Undertaking  
 Medical Services  
 Participant Sports and Recreation: Indoor  
 Personal Services, General  
 Repair Services: Consumer  
 Retail Sales: General  
 Retail Sales: Specialty  
 Spectator Sports and Entertainment: Limited  
 Transient Habitation: Lodging

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)  
 Tree Crops  
 Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2363 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C36 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

Agricultural Services "9"

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Automotive and Equipment: Repairs, Heavy Equipment "8"  
Business Equipment Sales and Services "7"  
Construction Sales and Services "8" (see Section 6300)  
Drug Paraphernalia Establishment "21"  
Gasoline Sales "12"  
Laundry Services "13"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

2365        USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C36 Use Regulations upon issuance of a Major Use Permit.

a.        Residential Use Types.

Group Residential

b.        Civic Use Types.

Major Impact Services and Utilities

c.        Commercial Use Types.

Automotive and Equipment: Cleaning  
Automotive and Equipment: Storage, Recreational Vehicles and Boats  
Funeral and Interment Services: Cremating  
Funeral and Interment Services: Interring  
Research Services  
Spectator Sports and Entertainment: General  
Transient Habitation: Campground (see Section 6450)  
Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

Wholesaling, Storage and Distribution: Light (see Section 6300)

d.        Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

## C37 HEAVY COMMERCIAL USE REGULATIONS

### 2370 INTENT.

The provisions of Section 2370 through Section 2379, inclusive, shall be known as the C37 Heavy Commercial Use Regulations. The C37 Use Regulations are intended to, as closely as possible, duplicate the old C2 Zone.

### 2372 PERMITTED USES.

The following use types are permitted by the C37 Use Regulations:

#### a. Civic Use Types.

- Administrative Services
- Ambulance Services
- Child Care Center
- Civic, Fraternal or Religious Assembly
- Clinic Services
- Community Recreation
- Cultural Exhibits and Library Services
- Essential Services
- Fire Protection Services (see Section 6905)
- Group Care
- Law Enforcement Services
- Minor Impact Utilities
- Parking Services
- Postal Services
- Small Schools

#### b. Commercial Use Types.

- Administrative and Professional Services
- Agricultural and Horticultural Sales (all types)
- Agricultural Services
- Animal Sales and Services: Grooming
- Animal Sales and Services: Veterinary (Small Animals)
- Automotive and Equipment: Cleaning
- Automotive and Equipment: Fleet Storage
- Automotive and Equipment: Parking
- Automotive and Equipment: Repairs, Heavy Equipment
- Automotive and Equipment: Repairs, Light Equipment
- Automotive and Equipment: Sales/Rentals, Farm Equipment

Automotive and Equipment: Sales/Rentals, Heavy Equipment  
 Automotive and Equipment: Sales/Rentals, Light Equipment  
 Automotive and Equipment: Storage, Recreational Vehicles and Boats  
 Building Maintenance Services  
 Business Equipment, Sales and Service  
 Business Support Services  
 Communication Services  
 Construction Sales and Services (see Section 6300)  
 Convenience Sales and Personal Services  
 Eating and Drinking Establishments  
 Financial, Insurance and Real Estate Services  
 Food and Beverage, Retail Sales  
 Funeral and Interment Services: Undertaking  
 Gasoline Sales  
 Laundry Services  
 Medical Services  
 Participant Sports and Recreation: Indoor  
 Personal Services, General  
 Repair Services, Consumer  
 Research Services  
 Retail Sales: General  
 Retail Sales: Specialty  
 Spectator Sports and Entertainment (all types)  
 Transient Habitation: Lodging  
 Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

c. Industrial Use Types.

Custom Manufacturing (see Sections 1610 and 6300 for standards)

d. Agricultural Use Types.

Horticulture (All Types)  
 Tree Crops  
 Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



Business Support Services  
 Communication Services  
 Construction Sales and Services (see Section 6300)  
 Gasoline Sales  
 Laundry Services  
 Repair Services, Consumer  
 Research Services  
 Wholesale, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (All Types)  
 Tree Crops  
 Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

2383 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C38 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

Food and Beverage Retail Sales "10"  
 Recycling Collection Facility, Small or Large "2"  
 Recycling Processing Facility, Light or Heavy "3"  
 Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

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c. Industrial Use Types.

General Industrial "15"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2384 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the C38 Use Regulations upon issuance of a Minor Use Permit.

a. Commercial Use Types.

Convenience Sales and Personal Services  
Eating and Drinking Establishments

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

2385 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C38 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Civic, Fraternal or Religious Assembly  
Clinic Services  
Major Impact Services and Utilities

b. Commercial Use Types.

Automotive and Equipment: Storage, Non-operating Vehicle  
Funeral and Interment Services: Cremating  
Participant Sports and Recreation: Indoor  
Scrap Operation (see Section 6300)  
Spectator Sports and Entertainment: General  
Swap Meets  
Wholesaling, Storage and Distribution: Heavy (see Section 6300)

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## C40 RURAL COMMERCIAL USE REGULATIONS

### 2400 INTENT.

The provisions of Section 2400 through Section 2409, inclusive, shall be known as the C40 Rural Commercial Use Regulations. The C40 Use Regulations are intended to create and enhance commercial centers which serve predominantly agricultural areas with a broad range of goods and services. Typically, the C40 Use Regulations would be applied to rural or semi-rural areas where many diverse types of commercial uses are desired. Various applications of the C40 Use Regulations with appropriate development designators can create large scale commercial agricultural areas where outdoor storage and sale of animals is permitted, or smaller commercial areas which function as rural town centers.

### 2402 PERMITTED USES.

The following use types are permitted by the C40 Use Regulations:

#### a. Civic Use Types.

- Administrative Services
- Ambulance Services
- Child Care Center
- Civic, Fraternal or Religious Assembly
- Clinic Services
- Community Recreation
- Cultural Exhibits and Library Services
- Essential Services
- Fire Protection Services (see Section 6905)
- Law Enforcement Services
- Parking Services
- Postal Services
- Small Schools

#### b. Commercial Use Types.

- Administrative and Professional Services
- Agricultural and Horticultural Sales (all types)
- Agricultural Services
- Animal Sales and Services: Grooming
- Animal Sales and Services: Veterinary (Large Animals)
- Animal Sales and Services: Veterinary (Small Animals)
- Automotive and Equipment: Cleaning
- Automotive and Equipment: Fleet Storage
- Automotive and Equipment: Parking
- Automotive and Equipment: Repairs, Heavy Equipment
- Automotive and Equipment: Repairs, Light Equipment

Automotive and Equipment: Sales/Rentals, Farm Equipment  
 Automotive and Equipment: Sales/Rentals, Heavy Equipment  
 Automotive and Equipment: Sales/Rentals, Light Equipment  
 Automotive and Equipment: Storage, Recreational Vehicles and Boats  
 Building Maintenance Services  
 Business Equipment Sales and Services  
 Business Support Services  
 Communications Services  
 Convenience Sales and Personal Services  
 Eating and Drinking Establishments  
 Financial, Insurance and Real Estate Services  
 Food and Beverage Retail Sales  
 Funeral and Interment Services: Undertaking  
 Gasoline Sales  
 Laundry Services  
 Medical Services  
 Participant Sports and Recreation: Indoor  
 Personal Services, General  
 Repair Services, Consumer  
 Research Services  
 Retail Sales: General  
 Retail Sales: Specialty  
 Spectator Sports and Entertainment: Limited  
 Transient Habitation: Lodging  
 Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)  
 Tree Crops  
 Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2403 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C40 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes

## C44        FREEWAY COMMERCIAL USE REGULATIONS

### 2440        INTENT.

The provisions of Section 2440 through Section 2449, inclusive, shall be known as the C44 Freeway Commercial Use Regulations. The C44 Use Regulations are intended to create and enhance areas where automobile associated traveler services are desired. Typically, the C44 Use Regulations would be applied adjacent to freeway interchanges or in areas with convenient access to freeways. Various applications of the C44 Use Regulations with appropriate development designators can create a limited service area with a gas station and restaurant, or a more extensive service area including motels and overnight travel trailer accommodations.

### 2442        PERMITTED USES.

The following use types are permitted by the C44 Use Regulations:

#### a.        Civic Use Types.

Child Care Center  
Essential Services  
Fire Protection Services (see Section 6905)  
Law Enforcement Services  
Small Schools

#### b.        Commercial Use Types.

Eating and Drinking Establishments  
Transient Habitation: Lodging

#### c.        Agricultural Use Types.

Horticulture (all types)  
Tree Crops  
Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

### 2443        PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C44 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

2443

a. Commercial Use Types.

Gasoline Sales "12"  
Recycling Collection Facility, Small "2"  
Recycling Processing Facility "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2444 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the C44 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

2445 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C44 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services  
Ambulance Services  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Major Impact Services and Utilities  
Parking Services  
Postal Services

b. Commercial Use Types.

Automotive and Equipment: Storage, Recreational Vehicles and Boats  
Transient Habitation: Campground (see Section 6450)

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

b. Commercial Use Types.

Medical Services

c. Agricultural Use Types.

Horticultural: Cultivation

Tree Crops

Row and Field Crops

(Renumbered by Ord. 5508 (N.S.) adopted 5-16-79. Formerly 2842)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

2463 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C46 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Convenience Sales and Personal Services "10"

Eating and Drinking Establishments "10"

Food and Beverage Retail Sales "10"

Recycling Collection Facility, Small "2"

Recycling Processing Facility "3"

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 2843)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2464 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the C46 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 2844)

2465

2465 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C46 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

- Administrative Services
- Ambulance Services
- Civic, Fraternal or Religious Assembly
- Community Recreation
- Cultural Exhibits and Library Services
- Major Impact Services and Utilities
- Postal Services

b. Extractive Use Types.

- Site Preparation

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 2845)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



MANUFACTURING AND INDUSTRIAL USE REGULATIONS**M50 BASIC INDUSTRIAL USE REGULATIONS****2500 INTENT.**

The provisions of Section 2500 through Section 2509, inclusive, shall be known as the M50 Basic Industrial Use Regulations. The M50 Use Regulations are intended to create and preserve areas for basic manufacturing operations which evidence no or very low nuisance characteristics. Non-manufacturing uses are restricted to those providing essential support services to manufacturing plants and their personnel. Typically, the M50 Use Regulations would be applied in urban or suburban areas where nuisance characteristics involving noise, odor, traffic generation or unsightliness were undesired and where all uses (with certain exceptions) would be conducted entirely within enclosed buildings. Various applications of the M50 Use Regulations with appropriate development designators can create a community of industries in a high quality industrial park or preserve large tracts of land for basic manufacturing, assembling, or processing uses.

**2502 PERMITTED USES.**

The following use types are permitted by the M50 Use Regulations:

**a. Civic Use Types.**

Ambulance Services  
Community Recreation  
Essential Services  
Fire Protection Services (see Section 6905)  
Law Enforcement Services  
Parking Services  
Postal Services

**b. Commercial Use Types.**

Automotive and Equipment: Parking  
Recycling Processing Facility, Wood and Green Materials  
Research Services

**c. Industrial Use Types.**

Custom Manufacturing (see Section 6300)

**d. Agricultural Use Types.**

Horticulture (all types)  
Tree Crops  
Row and Field Crops  
Packing and Processing: Limited  
Packing and Processing: Winery  
Packing and Processing: General

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

2503

**2503 PERMITTED USES SUBJECT TO LIMITATIONS.**

The following use types are permitted by the M50 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

**a. Commercial Use Types.**

Adult Entertainment Establishments "19"  
Administrative and Professional Services "5"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Light or Heavy "3"  
Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

**b. Industrial Use Types.**

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

**2504 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are permitted by the M50 Use Regulations upon issuance of a Minor Use Permit.

**a. Civic Use Types.**

Minor Impact Utilities  
Small Schools

**b. Commercial Use Types.**

Convenience Sales and Personal Services  
Eating and Drinking Establishments  
Food and Beverage Retail Sales

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**2505 USES SUBJECT TO A MAJOR USE PERMIT.**

The following use types are permitted by the M50 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Cultural Exhibits and Library Services  
Major Impact Services and Utilities

b. Commercial Use Types.

Wholesaling, Storage and Distribution: Heavy (see Section 6300)

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## M52 LIMITED IMPACT INDUSTRIAL USE REGULATIONS

### 2520 INTENT.

The provisions of Section 2520 through Section 2529, inclusive, shall be known as the M52 Limited Impact Industrial Use Regulations. The M52 Use Regulations are intended to create and preserve areas where manufacturing and industrial uses which evidence no or very low nuisance characteristics may locate. Non-industrial uses which support or are adjuncts to industrial uses and are compatible with such uses are permitted within the zone particularly administrative, sales, and services uses. Typically, the M52 Use Regulations would be applied in urban or suburban areas where nuisance characteristics involving noise, odor, traffic generation or unsightliness were undesired and where all uses (with certain exceptions) would be conducted entirely within enclosed buildings. Various applications of the M52 Use Regulations with appropriate development designators can create a community of industries in a high quality industrial park or a strip of low impact industrial uses.

### 2522 PERMITTED USES.

The following use types are permitted by the M52 Use Regulations:

#### a. Civic Use Types.

- Ambulance Services
- Community Recreation
- Essential Services
- Fire Protection Services (see Section 6905)
- Law Enforcement Services
- Parking Services
- Postal Services

#### b. Commercial Use Types.

- Administrative and Professional Services
- Automotive and Equipment: Parking
- Automotive and Equipment: Sales/Rental, Light Equipment (see Section 6800)
- Business Equipment Sales and Services
- Business Support Services
- Communications Services
- Laundry Services
- Participant Sports and Recreation: Indoor
- Recycling Processing Facility, Wood and Green Materials
- Research Services
- Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)

Tree Crops

Row and Field Crops

Packing and Processing "Limited"

Packing and Processing "Winery"

Packing and Processing "General"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

2523 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M52 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"

Agricultural and Horticultural Sales "8" (all types)

Automotive and Equipment: Cleaning "8"

Automotive and Equipment: Repairs, Heavy Equipment "8"

Automotive and Equipment: Repairs, Light Equipment "8"

Automotive and Equipment: Sales/Rentals, Farm Equipment "9"

Automotive and Equipment: Sales/Rentals, Heavy Equipment "9"

Building Maintenance Services "8"

Construction Sales and Services "8" (see Section 6300)

Food and Beverage Retail Sales "10"

Gasoline Sales "12"

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

2524

**2524 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are permitted by the M52 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

b. Commercial Use Types.

Convenience Sales and Personal Services  
Eating and Drinking Establishments

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

**2525 USES SUBJECT TO A MAJOR USE PERMIT.**

The following use types are permitted by the M52 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Cultural Exhibits and Library Services  
Major Impact Services and Utilities

b. Commercial Use Types.

Funeral and Interment Services: Cremating  
Participant Sports and Recreation: Outdoor  
Transient Habitation: Campground (see Section 6450)  
Wholesaling, Storage and Distribution: Heavy (see Section 6300)

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**2544 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are permitted by the M54 Use Regulations upon issuance of a Minor Use Permit.

**a. Civic Use Types**

Small Schools

**b. Commercial Use Types.**

Convenience Sales and Personal Services  
Eating and Drinking Establishments

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

**2545 USES SUBJECT TO A MAJOR USE PERMIT.**

The following use types are permitted by the M54 Use Regulations upon issuance of a Major Use Permit.

**a. Civic Use Types.**

Administrative Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Cultural Exhibits and Library Services  
Major Impact Services and Utilities

**b. Commercial Use Types.**

Automotive and Equipment: Storage, Nonoperating Vehicles  
Explosive Storage (see Section 6904)  
Funeral and Interment Services: Cremating  
Participant Sports and Recreation: Outdoor  
Scrap Operations (see Section 6300)  
Swap Meets  
Transient Habitation: Campground (see Section 6450)

**c. Extractive Use Types.**

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 8283 (N.S.) adopted 7-21-93)

(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2560

## M56 MIXED INDUSTRIAL USE REGULATIONS

### 2560 INTENT.

The provisions of Section 2550 through 2579, inclusive, shall be known as the M56 Mixed Industrial Use Regulations, (M56 Use Regulations). The M56 Use Regulations will create an industrial area, and a maximum of five percent of each lot to be designated as support commercial area. The right to develop a support commercial area shall be transferable. The M56 Use Regulations will generally be applied to large areas of 100 or more acres, where a unified appearance can be created. A Specific Plan will be required prior to or concurrent with each rezone to address the availability of public facilities. The types of uses in the M56 Use Regulations will include industrial plants that are primarily engaged in the manufacturing, compounding, processing, assembling, packaging, treatment, warehousing or fabrication of materials or products, and commercial use types necessary to support those uses. Site development will be reviewed for compliance with a Design review manual adopted for the area.

### 2561 SUPPORT COMMERCIAL AREA.

Support commercial areas shall be designated, and the transfer of the rights to develop support commercial area shall be subject to the following requirements.

- a. Designation of Commercial Area. Each lot in the specific plan area shall be granted a maximum of five percent of commercial use. At the time of application for a building permit, the applicant shall apply for an administrative permit indicating what portion of the site will be reserved for commercial use, and the location of the parking to be reserved for the use. If no area is designated through the administrative permit process at the time the lot is initially developed, the owner retains the right to make such designation at a later date. Additionally, the applicant may relinquish the permit at any time by making an application for relinquishment to the Director. When an applicant has either chosen not to use the right to develop the commercial area of the property or has relinquished the administrative permit to develop the area as a commercial use, the right may be transferred to another property through the process described in subsection b of this section.
- b. Transfer of Designated Commercial Area. Commercial development rights shall be transferable. Transfer shall only be to a site located within the contiguous area within which the M56 use regulation has been applied. The transfer shall not result in more than ten percent of any one site being utilized for support commercial development.



Prior to completing any transfers of development rights, the applicant shall obtain written approval from the Director. No purported transfer shall be of any force or effect without the Director's approval. The applicant shall notify the Department of the completion of the transfer on a form prescribed by the Department, and such notification shall be recorded. Failure to comply with the Department's requirements for notification shall be grounds for refusal to issue building permits.

## 2562 PERMITTED USES WITHIN THE INDUSTRIALLY DESIGNATED AREA

The following use types are permitted by the M56 Use Regulations within the industrially designated areas:

### a. Civic Use Types.

- Ambulance Services
- Essential Services
- Fire Protection Services
- Law Enforcement Services
- Minor Impact Utilities
- Parking Services
- Postal Services

### b. Commercial Use Types.

- Automotive and Equipment
  - b) Fleet Storage
  - c) Parking
  - d) Repairs [Heavy Equipment]
  - e) Repairs [Light Equipment]
  - f) Sales/Rentals [Heavy Equipment]
  - g) Sales/Rentals [Farm Equipment]
  - h) Sales/Rental [Light Equipment]
- Building Maintenance Services
- Construction Sales and Services
- Recycling Processing Facility, Wood and Green Materials
- Research Services
- Wholesale Storage and Distribution
  - a) Mini Warehouse (see Section 6300 and Section 6909)
  - b) Light
  - c) Heavy

### c. Industrial Use Types.

- Custom Manufacturing
- General Industrial

2562

d. Agricultural Use Types.

Packing and Processing

- a) Limited
- b) Winery
- c) General
- d) Support

(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

2563 PERMITTED USES WITHIN THE INDUSTRIALLY DESIGNATED AREAS THAT ARE SUBJECT TO LIMITATIONS.

The following use types are permitted by the M56 Use Regulations within the industrially designated areas, subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

- Eating and Drinking Establishments "10"
- Food and Beverage Retail Sales "10"
- Recycling Collection Facility, Small or Large "2"
- Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2564 USES SUBJECT TO A MINOR USE PERMIT WITHIN THE INDUSTRIALLY DESIGNATED AREAS.

The following uses are permitted by the M56 Use Regulations in the industrially designated areas upon issuance of a Minor Use Permit.

a. Civic Use Types

- Small Schools

2565 USES SUBJECT TO A MAJOR USE PERMIT WITHIN THE INDUSTRIALLY DESIGNATED AREAS.

The following uses are permitted by the M56 Use Regulations in the industrially designated areas upon issuance of a Major Use Permit.

a. Civic Use Types.

- Administrative Services
- Civic, Fraternal or Religious Assembly
- Clinic Services
- Cultural Exhibits and Library services
- Child Care Center
- Major Impact Services and Utilities

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2566 PERMITTED USES WITHIN THE AREAS DESIGNATED FOR SUPPORT  
COMMERCIAL.

The following uses are permitted by the M56 Use Regulations within the commercially designated areas.

a. Civic Use Types.

Child Care Center  
Essential Services  
Law Enforcement Services  
Minor Impact Utilities

b. Commercial Use Types.

Administrative and Professional Services  
Agricultural and Horticultural Sales  
    a) Agricultural Sales  
    b) Horticultural Sales  
Automotive and Equipment  
    c) Parking  
Building Maintenance Services  
Business Equipment Sales and Services  
Business Support Services  
Communications Services  
Eating and Drinking Establishments  
Financial, Insurance and Real Estate  
Food and Beverage Retail Sales  
Gasoline Sales  
Laundry Services  
Participant Sports and Recreation  
    a) Indoor  
Recycling Collection Center  
Repair Services [Consumer]  
Research Services  
Retail Sales  
    a) General  
Wholesale Storage and Distribution  
    a) Mini Warehouse

c. Agricultural Use Types.

Horticultural  
    a) Cultivation  
    b) Storage  
Tree Crops  
Row and Field Crops  
Packing and Processing  
    a) Limited  
    b) Support

(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

2567

**2567 PERMITTED USES WITHIN THE AREAS DESIGNATED FOR SUPPORT  
COMMERCIAL SUBJECT TO LIMITATIONS.**

The following uses are permitted by the M56 Use Regulations within the commercially designated areas, subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

**a. Commercial Use Types.**

Agricultural Services "8"

Automotive and Equipment

a) Cleaning "8"

d) Repairs [Heavy Equipment] "8"

e) Repairs [Light Equipment] "9"

f) Sales/Rentals [Heavy Equipment] "9"

g) Sales/Rentals [Farm Equipment] "9"

h) Sales/Rentals [Light Equipment] "9"

Construction Sales and Services "8"

**b. Agricultural Use Types**

Animal Raising "16"

**2568 USES SUBJECT TO A MAJOR USE PERMIT WITHIN THE AREAS DESIGNATED  
FOR SUPPORT COMMERCIAL.**

The following uses are permitted by the M56 Use Regulations in the commercially designated areas upon issuance of a Major Use Permit.

**a. Civic Use Types.**

Administrative Services

Ambulance Services

Civic, Fraternal or Religious Assembly

Clinic Services

Cultural Exhibits and Library services

Major Impact Services and Utilities

Postal Services

**b. Commercial Use Types**

Automotive and Equipment

i) Storage [Nonoperating Vehicles]

j) Storage [Recreational Vehicles and Boats]

Funeral and Internment Services

a) Cremating

Participant Sports and Recreation  
     b) Outdoor  
 Scrap Operations  
 Spectator Sports and Entertainment  
     a) Limited  
     b) General  
 Swap Meets  
 Transient Habitation  
     b) Lodging

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**2569 SPECIFIC PLAN REQUIRED.**

The M56 Use Regulations may be made applicable to any property for which a Specific Plan has been adopted. Alternatively, the provisions of the M56 Use Regulations may be adopted as a part of any Specific Plan. The Specific Plan required by these regulations shall address the availability of public facilities, including but not limited to sewer, water, fire protection and roads.

Performance standards shall be included within the Specific Plan to assure that there are adequate public facilities to serve the proposed development. If the necessary facilities are not available, or are fully utilized according to the adopted performance standards, no further building permits shall be issued for any new or expanded commercial or industrial uses. In addition, the Specific Plan shall establish a maximum limit to the total area to be devoted to the support commercial uses. Said commercial uses shall not exceed, and may be less than the five percent that is otherwise allowed by the zone.

**2570 ADMINISTRATIVE DESIGN REVIEW REQUIRED.**

No permit of any type shall be issued for the construction or alteration of any building or structure, nor shall any person construct or alter a building or structure, nor shall any new use be established in areas subject to the M56 Use Regulations until an Administrative Design Review has been approved as conforming to the criteria of a Design Manual which has been adopted by the Board of Supervisors. Alterations to the interior of a structure which are not visible from the exterior of the structure are exempt from the requirement for review. An applicant may chose to submit a site plan rather than an administrative design review application if the project does not comply with the specific requirements of the Design Manual, but the applicant is of the opinion that the project does comply with the intent of the Design Manual. A separate manual shall be adopted for each separate area when the M56 Use Regulations are applied and shall

reflect the concerns of that area. An existing Community Design Manual may be adopted to serve as the Design Manual. The Design Manual shall require the preservation of environmental resources that are identified as being significant, including wildlife habitat and open space.

#### 2571 WAIVER OF ADMINISTRATIVE DESIGN REVIEW.

The administrative design review required by Section 2570 may be waived by the Director if it is determined that the nature of the proposed project is such that subjecting it to the review process would not materially contribute to the attainment of the objectives and guidelines set forth in the applicable Design Manual.

- a. In making a decision on waiver of an administrative design review due consideration shall be given to the recommendation of the Community Planning/Subregional Planning Group, Community Design Review Board or Property Owners Review Committee, whichever has been designated as the review body as required by Section 2572.
- b. The Director, upon receipt of a request for waiver of the administrative design review requirement, shall provide a copy of said request to the review body for their recommendation.

#### 2572 DESIGNATION BY BOARD OF SUPERVISORS OF REVIEW BODY.

The Board of Supervisors shall designate a review body to review all applications for administrative design review. Such designation shall take place at such time as the M56 Use Regulations are applied to any specific properties. Where there is a Community Planning Group, Subregional Planning Group or Community Design Review Board, such group shall be designated as the review body unless that body agrees to the appointment of a Property Owners Review Committee and the Board of Supervisors so designates. Where there is no planning group or design review board, a Property Owners Review Committee shall be appointed. The number of members of such Property Owners Review Committee, their length of service and identities shall be at the discretion of the Board of Supervisors. The members shall be owners of property wholly or partly within the area affected by the M56 Use Regulations or shall be designated representatives of a property owner.

#### 2574 REVIEW OF APPLICATION BY THE DESIGNATED REVIEW BODY.

The Department of Planning and Land Use, upon receipt of an application for administrative design review, shall provide a copy of said application to the designated review body for their comments. The review body shall have 30 days to review the application and respond with their recommendations.

Business Support Services  
 Communications Services  
 Construction Sales and Services (See Section 6300)  
 Gasoline Sales  
 Laundry Services  
 Participant Sports and Recreation: Indoor  
 Recycling Processing Facilities, Wood and Green Materials  
 Research Services  
 Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)  
 Tree Crops  
 Row and Field Crops  
 Packing and Processing (all types)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 8318 (N.S.) adopted 10-27-93)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

2583 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M58 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"  
 Agricultural Services "14"  
 Automotive and Equipment: Storage, Nonoperating Vehicles "9"  
 Food and Beverage Retail Sales "10"  
 Recycling Collection Facility, Small or Large "2"  
 Recycling Processing Facility, Light or Heavy "3"  
 Wholesaling, Storage and Distribution: Heavy "14"  
 Wholesaling, Storage and Distribution: Light "8"

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)  
 (Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

2584

**2584 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are permitted by the M58 Use Regulations upon issuance of a Minor Use Permit.

**a. Civic Use Types.**

Small Schools

**b. Commercial Use Types.**

Convenience Sales and Personal Services  
Eating and Drinking Establishments

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

**2585 USES SUBJECT TO A MAJOR USE PERMIT.**

The following use types are permitted by the M58 Use Regulations upon issuance of a Major Use Permit.

**a. Civic Use Types.**

Administrative Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Cultural Exhibits and Library Services  
Major Impact Services and Utilities

**b. Commercial Use Types.**

Animal Sales and Services: Stockyard  
Explosive Storage (see Section 6904)  
Funeral and Interment Services: Cremating  
Participant Sports and Recreation: Outdoor  
Scrap Operations (see Section 6300)  
Swap Meets

**c. Industrial Use Types.**

Heavy Industrial (see Section 6300)



d. Agricultural Use Types.

Animal Waste Processing (see Section 6902)

e. Extractive Use Types.

Mining and Processing  
Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)  
(Amended by Ord. No. 8318 (N.S.) adopted 10-27-93)  
(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



AGRICULTURAL USE REGULATIONS

## A70 LIMITED AGRICULTURAL USE REGULATIONS

## 2700 INTENT.

The provisions of Section 2700 through Section 2709 inclusive, shall be known as the A70 Limited Agricultural Use Regulations. The A70 Use Regulations are intended to create and preserve areas intended primarily for agricultural crop production. Additionally, a limited number of small farm animals may be kept and agricultural products raised on the premises may be processed. Typically, the A70 Use Regulations would be applied to areas throughout the County to protect moderate to high quality agricultural land.

## 2702 PERMITTED USES.

The following use types are permitted by the A70 Use Regulations:

## a. Residential Use Types.

Family Residential

## b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

## c. Agricultural Use Types.

Horticulture (all types)

Tree Crops

Row and Field Crops

Packing and Processing: Limited

Packing and Processing: Wholesale Limited Winery

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))

(Amended by Ord. No. 9422 (N.S.) adopted 1-9-02)

## 2703 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the A70 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

## a. Residential Use Types

Mobilehome Residential "18"

2703

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"  
Animal Sales and Services: Veterinary (Small Animals) "6"  
Cottage Industries "17" (see Section 6920)  
Recycling Collection Facility, Small "2"  
Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Boutique Winery "22" (see Section 6910)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)

2704 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the A70 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Law Enforcement Services  
Minor Impact Utilities  
Small Schools

b. Agricultural Use Types.

Farm Labor Camps

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))  
(Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
(Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

## 2705 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the A70 Use Regulations upon issuance of a Major Use Permit.

### a. Residential Use Types.

Group Residential

### b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

### c. Commercial Use Types.

Agricultural and Horticultural Sales (all types)  
Explosive Storage (see Section 6904)  
Participant Sports and Recreation: Outdoor  
Transient Habitation: Campground (see Section 6450)  
Transient Habitation: Resort (see Section 6400)

### d. Agricultural Use Types.

Agricultural Equipment Storage  
Packing and Processing: Winery  
Packing and Processing: General  
Packing and Processing: Support

### e. Extractive Use Types.

Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2720

## A72 GENERAL AGRICULTURAL USE REGULATIONS

### 2720 INTENT.

The provisions of Section 2720 through Section 2729, inclusive, shall be known as the A72 General Agricultural Use Regulations. The A72 Use Regulations are intended to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically, the A72 Use Regulations would be applied to areas distant from large urban centers where the dust, odor, and noise of agricultural operations would not interfere with urban uses, and where urban development would not encroach on agricultural uses.

### 2722 PERMITTED USES.

The following use types are permitted by the A72 Use Regulations:

a. Residential Use Types.

Family Residential

b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

Law Enforcement Services (see Section 6905)

c. Agricultural Use Types.

Horticulture (all types)

Tree Crops

Row and Field Crops

Packing and Processing: Limited

Packing and Processing: Wholesale Limited Winery

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))

(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

(Amended by Ord. No. 9422 (N.S.) adopted 1-9-02)

### 2723 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the A72 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"  
 Animal Sales and Services: Veterinary (Small Animals) "6"  
 Recycling Collection Facility, Small "2"  
 Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Boutique Winery "22" (see Section 6910)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2724 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the A72 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
 Small Schools

b. Agricultural Use Types

Farm Labor Camps

c. Commercial Use Types.

Cottage Industries "17" (see Section 6920)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))  
 (Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
 (Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
 (Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)  
 (Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2725

2725        USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the A72 Use Regulations upon issuance of a Major Use Permit.

a.     Residential Use Types.

Group Residential

b.     Civic Use types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

c.     Commercial Use Types.

Agricultural and Horticultural Sales (all types)  
Animal Sales and Services: Auctioning  
Explosive Storage (see Section 6904)  
Gasoline Sales  
Participant Sports and Recreation: Outdoor  
Transient Habitation: Campground (see Section 6450)  
Transient Habitation: Resort (see Section 6400)

d.     Agricultural Use Types.

Agricultural Equipment Storage  
Animal Waste Processing (see Section 6902)  
Packing and Processing: Winery  
Packing and Processing: General  
Packing and Processing: Support

e.     Extractive Use Types.

Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



SPECIAL PURPOSE REGULATIONS**S80 OPEN SPACE USE REGULATIONS****2800 INTENT.**

The provisions of Section 2800 through Section 2809, inclusive, shall be known as the S80 Open Space Use Regulations. The S80 Open Space Use Regulations are intended to provide for appropriate controls for land generally unsuitable for intensive development. Typically, the S80 Use Regulations would be applied in both urban and rural environments to hazard or resource areas, public lands, recreation areas, or lands subject to open space easement or similar restrictions. Uses permitted within the S80 Use Regulations include those having a minimal impact on the natural environment, or those compatible with the hazards, resources, or other restrictions on the property. Various applications of the S80 Use Regulations with appropriate development designators can create or protect areas of very large residential parcels, agricultural areas, recreation areas, or limited use areas having identified hazards or resources.

**2801 SITE PLAN REVIEW REQUIRED.**

All development within areas subject to the S80 Open Space Regulations shall require site plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

- a. **Content of the Site Plan.** A site plan required by this section shall contain such maps, plans, drawings, and sketches as are necessary to show the location, size and use of all proposed buildings and structures and their relationship to the significant physical features located on the development site.
- b. **Relationship to Subdivision Ordinance.** Any tentative map or tentative parcel map which is required by the Subdivision Ordinance shall be used to the maximum extent possible in satisfying the requirements of subsection "a" of this section.
- c. **Standards and Criteria.** The placement and siting of the proposed structures and buildings shall preserve the open space value of the development site, avoid degradation of the significant physical features located on the development site, and avoid hazards.

2802

**2802 PERMITTED USES.**

The following use types are permitted by the S80 Use Regulations:

a. Residential Use Types.

Family Residential

b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

c. Agricultural Use Types.

Horticulture (All Types)

Tree Crops

Row and Field Crops

Packing and Processing: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

**2803 PERMITTED USES SUBJECT TO LIMITATIONS.**

The following use types are permitted by the S80 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Wood and Green Materials "3"

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

**2804 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are allowed by the S80 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities

Small Schools

b. Agricultural Use Types

Farm Labor Camps

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

**2805 USES SUBJECT TO A MAJOR USE PERMIT.**

The following use types are permitted by the S80 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Major Impact Services and Utilities  
Parking Services  
Postal Services

b. Commercial Use Types.

Automobile and Equipment: Parking  
Explosive Storage (see Section 6904)  
Participant Sports and Recreation: Outdoor

c. Extractive Use Types.

Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2810

## S81 ECOLOGICAL RESOURCE AREA REGULATIONS

### 2810 INTENT.

The provisions of Section 2810 through 2819, inclusive, shall be known as the S81 Ecological Resource Area Use Regulations. The S81 Use Regulations are intended to recognize and preserve the coastal wetlands as resources of national, statewide and regional significance for their biological habitat value; to facilitate the maintenance and enhancement of the biological productivity and scenic quality of the wetlands; and to insure that human use of the wetlands is compatible with their biological and habitat functions. It is intended that these regulations be applied to lagoons and their tributary streams and adjacent uplands within the California Coastal Zone. Unless otherwise clearly delineated by a road, property line, or similar feature, these regulations are intended to be applied to extend to one hundred feet upland of the 100-year floodplain.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

### 2812 PERMITTED USES.

The following use types are permitted by the S81 Use Regulations in accordance with the Special Provisions and Limitations set forth in Section 2818.

#### a. Civic Use Types

Cultural Exhibits and Library Services: Educational and scientific nature study involving observation only.

Essential Services: Sewer, gas and petroleum products pipelines, telephone and electric lines only.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

### 2815 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the S81 Use Regulations upon issuance of a Major Use Permit.

#### a. Civic Use Types.

Essential Services: Passive recreation only.

#### b. Agricultural Use Types.

Animal Raising, Specialty: Aquaculture only

#### c. Extractive Use Types.

Site Preparation: Dredging and filling for purposes of habitat enhancement only.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

## 2824 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the S82 Use Regulations upon issuance of a Minor Use Permit.

### a. Civic Use Types.

Law Enforcement Services  
Minor Impact Utilities

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 8175 (N.S.) adopted 11-19-92)

## 2825 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the S82 Use Regulations upon issuance of a Major Use Permit.

### a. Civic Use Types.

Administrative Services  
Ambulance Services  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Major Impact Services and Utilities  
Parking Services  
Postal Services

### b. Commercial Use Types.

Automotive and Equipment: Nonoperating Vehicle Storage  
Explosive Storage (see Section 6904)  
Participant Sports and Recreation: Outdoor  
Scrap Operation (see Section 6300)

### c. Extractive Use Types.

Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



## S87 LIMITED CONTROL USE REGULATIONS

### 2870 INTENT.

The provisions of Section 2870 through Section 2879, inclusive, shall be known as the S87 Limited Control Use Regulations. The S87 Use Regulations are intended to provide limited controls on the use of property in portions of the unincorporated area of the County pending specific studies to enable rezoning of said area in conformance with the adopted General Plan.

### 2872 PERMITTED USES.

The following use types are permitted by the S87 Use Regulations:

#### a. Residential Use Types.

Family Residential

#### b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

#### c. Agricultural Use Types.

Horticulture (all types)

Tree Crops

Row and Field Crops

Packing and Processing: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

### 2873 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the S87 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

#### a. Commercial Use Types.

Animal Sales and Services: Veterinary (Large Animals) "6"

Animal Sales and Services: Veterinary (Small Animals) "6"

2873

Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Wood or Green Materials "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**2874 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are allowed by the S87 Use Regulations upon issuance of a Minor Use Permit.

**a. Civic Use Types.**

Civic, Fraternal, or Religious Assembly (within existing buildings)  
Law Enforcement Services  
Minor Impact Utilities  
Small Schools

**b. Agricultural Use Types**

Farm Labor Camps

**c. Expansion of any existing use type located on the property.**

**d. Commercial Use Types**

Cottage Industries "17" (see Section 6920)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 6398 (N.S.) adopted 7-14-82)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))  
(Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
(Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**2875 USES SUBJECT TO A MAJOR USE PERMIT.**

In addition to the Use Types permitted by Section 2872 through 2874, above, all other Use Types, with the exception of Adult Entertainment Establishments, are permitted by the S87 Use Regulations upon issuance of a Major Use Permit.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)



## S88 SPECIFIC PLANNING AREA USE REGULATIONS

### 2880 INTENT.

The provisions of Section 2880 through Section 2889, inclusive, shall be known as the S88 Specific Planning Area Use Regulations. The S88 Use Regulations are intended to accommodate Specific Plan areas shown on the San Diego County General Plan or on those lands for which a Specific Plan has been adopted by the Board of Supervisors pursuant to the Government Code. Application of the S88 Use Regulations can create an unlimited variety of land uses in conformance with the General Plan.

### 2882 PERMITTED USES.

Until a Specific Plan applicable to the property is adopted, the following use types are permitted by the S88 Use Regulations:

#### a. Residential Use Types.

Family Residential

#### b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

#### c. Agricultural Use Types.

Horticulture (all types)

Tree Crops

Row and Field Crops

Packing and Processing: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

### 2883 PERMITTED USES SUBJECT TO LIMITATIONS.

Until a Specific Plan applicable to the property is adopted, the following use types are permitted by the S88 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

#### a. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Wood and Green Material "3"

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

2884

**2884 USES SUBJECT TO A MINOR USE PERMIT.**

Until a Specific Plan applicable to the property is adopted, the following use types are allowed by the S88 Use Regulations upon issuance of a Minor Use Permit.

**a. Civic Use Types.**

Law Enforcement Services.  
Minor Impact Utilities

**b. Agricultural Use Types**

Farm Labor Camps

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

**2885 USES SUBJECT TO A MAJOR USE PERMIT.**

Until a Specific Plan applicable to the property is adopted, the following use types are permitted by the S88 Use Regulations upon issuance of a Major Use Permit.

**a. Agricultural Use Types.**

Packing and Processing: Winery  
Packing and Processing: General  
Packing and Processing: Support

**b. Extractive Use Types.**

Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

**2887 SPECIFIC PLANS**

If a Specific Plan has been adopted for property which is also subject to the S88 Specific Planning Area Use Regulations, any provisions of the Specific Plan relating to subjects contained in the Animal Regulations at Part Three (commencing at Section 3000), the Development Regulations at Part Four (commencing at Section 4000), the Special Area Regulations at Part Five (commencing at Section 5000), and/or the General Regulations at Part Six (commencing at Section 6000), of The Zoning Ordinance, shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

**2903 PERMITTED USES SUBJECT TO LIMITATIONS.**

The following use types are permitted by the S90 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

**a. Commercial Use Types.**

Recycling Collection Facility, Small or Large "2"  
 Recycling Processing Facility, Wood or Green Materials "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**2904 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are allowed by the S90 Use Regulations upon issuance of a Minor Use Permit.

**a. Civic Use Types.**

Law Enforcement Services  
 Minor Impact Utilities  
 Small Schools

**b. Agricultural Use Types**

Farm Labor Camps

**c. Commercial Use Types**

Cottage Industries "17" (see Section 6920)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
 (Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**2905 USES SUBJECT TO A MAJOR USE PERMIT.**

The following use types are permitted by the S90 Use Regulations upon issuance of a Major Use Permit.

**a. Residential Use Types.**

Group Residential

2905

b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

c. Commercial Use Types.

Agricultural and Horticultural Sales (all types)  
Agricultural Services  
Explosive Storage (see Section 6904)  
Participant Sports and Recreation: Outdoor  
Transient Habitation: Campground (see Section 6450)  
Transient Habitation: Resort (see Section 6400)

d. Extractive Use Types.

Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2908 SPECIAL PROVISIONS AND LIMITATIONS: S90 USE REGULATIONS.

a. A Major or Minor Use Permit may be continued, modified, reinstated, or renewed for any use which, prior to the application of the S90 Holding Area Use Regulations on the subject property, was permitted pursuant to a duly authorized use permit.

b. A Major Use Permit may be granted to authorize, for a specified period of time, any use not involving a significant investment in buildings, structures, or other improvements. Alternatively, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 8506 (N.S.) adopted 3-1-95)

## S92 GENERAL RURAL USE REGULATIONS

### 2920 INTENT.

The provisions of Section 2920 through Section 2929, inclusive, shall be known as the S92 General Rural Use Regulations. The S92 Use Regulations are intended to provide appropriate controls for land which is: rugged terrain, watershed, dependent on ground water for a water supply, desert, susceptible to fires and erosion, or subject to other environmental constraints. Various applications of the S92 Use Regulations with appropriate development designators can create or protect areas suitable for low intensity recreational uses, residences on very large parcels, animal grazing, and other uses consistent with the intent of this Section.

(Added by Ord. 5508 (N.S.) adopted 5-16-79)

### 2922 PERMITTED USES.

The following use types are permitted by the S92 Use Regulations:

#### a. Residential Use Types.

Family Residential

#### b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

Law Enforcement Services (see Section 6905)

#### c. Agricultural Use Types.

Horticulture (All Types)

Tree Crops

Row and Field Crops

Packing and Processing: Limited

(Added by Ord. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))

(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

2923

**2923 PERMITTED USES SUBJECT TO LIMITATIONS.**

The following use types are permitted by the S92 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

**a. Commercial Use Types.**

Animal Sales and Services: Veterinary (Large Animals) "6"  
Animal Sales and Services: Veterinary (Small Animals) "6"  
Recycling Collection Facility, Small or Large "2"  
Recycling Processing Facility, Wood and Green Materials "3"

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**2925 USES SUBJECT TO A MINOR USE PERMIT.**

The following use types are allowed by the S92 Use Regulations upon issuance of a Minor Use Permit.

**a. Civic Use Types.**

Minor Impact Utilities  
Small Schools

**b. Agricultural Use Types**

Farm Labor Camps

**c. Commercial Use Types**

Cottage Industries "17" (see 6920)

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 7741 (N.S.) effective 3-28-90 (Urg. Ord.))  
(Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
(Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## 2926 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the S92 Use Regulations upon issuance of a Major Use Permit.

### a. Residential Use Types.

Group Residential

### b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

### c. Commercial Use Types.

Agricultural and Horticultural Sales (all types)  
Explosive Storage (see Section 6904)  
Participant Sports and Recreation: Outdoor  
Transient Habitation: Campground (see Section 6450)  
Transient Habitation: Resort (see Section 6400)

### d. Agricultural Use Types.

Animal Waste Processing (see Section 6902)  
Packing and Processing: Winery  
Packing and Processing: General  
Packing and Processing: Support

### e. Extractive Use Types.

Mining and Processing (see Section 6550)

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2940

## S94 TRANSPORTATION AND UTILITY CORRIDOR USE REGULATIONS

### 2940 INTENT.

The provisions of Section 2940 through 2949, inclusive, shall be known as the S94 Transportation and Utility Corridor Use Regulations. The S94 Use Regulations are intended to create and protect corridors for existing or future highways, railways, pipelines, other modes of transportation, and facilities for transmission of electricity, gas, water and other materials and forms of energy. The S94 Use Regulations are designed in recognition of the fact that transportation and utility facilities can cause adverse impacts on surrounding residents and properties including, for example, noise, vibration, emissions, pollutants, odors, visual appearance, detracting from natural scenic values, electrical interference, and potential for hazards and disasters. Some facilities can also be adversely affected by incompatible uses nearby. It is intended that these and other regulations be applied in a manner that will create sufficient open space or buffering along corridors to mitigate any adverse impacts of the facilities. The uses permitted are those which will not detract from the corridor's primary purpose, will not involve large, permanent concentrations of people, and will not adversely affect surrounding residents and properties. Various applications of the S94 Use Regulations with appropriate development designators can preserve future corridors while allowing appropriate interim uses, and permit suitable uses of land under powerlines, over buried pipelines, or alongside railroads or highways.

### 2942 PERMITTED USES.

The following use types are permitted by the S94 Use Regulations:

a. Civic Use Types.

Essential Services  
Fire Protection Services (see Section 6905)

b. Agricultural Use Types.

Horticulture (all types)  
Tree Crops  
Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

### 2943 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the S94 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.



**USE & ENCLOSURE MATRIX**

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

| USE TYPES       |      | RESIDENTIAL |      | CIVIC |                  | COMMERCIAL |      | INDUSTRIAL |      | AGRICULTURAL |      | SPECIAL PURPOSE |      | Use Regulations |      |      |      |      |      |      |      |      |   |  |                                      |                      |
|-----------------|------|-------------|------|-------|------------------|------------|------|------------|------|--------------|------|-----------------|------|-----------------|------|------|------|------|------|------|------|------|---|--|--------------------------------------|----------------------|
| 1250            | 1260 | 1265        | 1280 | 1300  | See Section 6816 | 1310       | 1315 | 1320       | 1325 | 1330         | 1332 | 1335            | 1340 | 1345            | 1346 | 1348 | 1350 | 1355 | 1360 | 1365 | 1375 | 1380 |   |  |                                      |                      |
| RESIDENTIAL     |      |             |      |       |                  |            |      |            |      |              |      |                 |      |                 |      |      |      |      |      |      |      |      |   |  |                                      |                      |
| RS              | ●    |             | 18   |       | ●                | ●          |      | M          |      | M            | M    | M               | M    | ●               | S    | M    |      | M    | M    | m    | M    | M    | m | A                                      | RS Single-Family Residential         |                      |
| RD              | ●    |             | 18   |       | ●                | ●          |      | M          |      | M            | M    | M               | M    | ●               | S    | M    |      | M    | M    | m    | M    | M    | m | A                                      | RD Duplex/Two-Family Residential     |                      |
| RM              | ●    |             | 18   |       | ●                | ●          |      | M          |      | M            | M    | M               | M    | ●               | S    | M    |      | M    | M    | m    | M    | M    | m | A                                      | RM Multi-Family Residential          |                      |
| RV              | ●    |             | 18   |       | ●                | ●          |      | M          |      | M            | M    | M               | M    | ●               | S    | M    |      | M    | M    | m    | M    | M    | m | A                                      | RV Variable Family Residential       |                      |
| RU              | ●    | ●           | 18   |       | ●                | ●          |      | M          | M    | M            | M    | m               | M    | ●               | S    | M    |      | M    | M    | m    | M    | M    | m | A                                      | RU Urban Residential                 |                      |
| RMH             |      |             | 18   |       | ●                | ●          |      | M          |      | M            | M    | M               | m    | ●               | S    | M    |      | M    | M    | m    | M    | M    | m | A                                      | RMH Mobilehome Residential           |                      |
| RR              | ●    | M           | 18   |       | ●                | ●          | m    | M          | M    | M            | M    | M               | M    | ●               | S    | M    | M    |      | M    | M    | m    | M    | M | m                                      | A                                    | RR Rural Residential |
| RRO*            | ●    | M           | 18   |       | ●                | ●          | m    | M          | M    | M            | M    | M               | M    | ●               | S    |      |      | M    | M    | m    | M    | M    | m | A                                      | RRO* Recreation-Oriented Residential |                      |
| RC              | ●    | ●           | 18   |       | ●                | ●          |      | M          | M    | ●            | M    | ●               | ●    | S               | ●    |      | ●    | M    | m    | M    | M    | ●    | A |  | RC Residential-Commercial            |                      |
| COMMERCIAL      |      |             |      |       |                  |            |      |            |      |              |      |                 |      |                 |      |      |      |      |      |      |      |      |   |  |                                      |                      |
| C30             |      |             |      |       | ●                | ●          |      | ●          | ●    | ●            | ●    | ●               | S    |                 | ●    | M    | M    | m    | ●    | M    | ●    | ●    | A | C30 Office-Professional                |                                      |                      |
| C31             | ●    | ●           |      |       | ●                | ●          |      | ●          | ●    | ●            | ●    | ●               | S    | ●               | ●    | M    | M    | m    | ●    | M    | ●    | ●    | A | C31 Residential/Office Professional    |                                      |                      |
| C32             | 1    |             |      |       | ●                | ●          |      | M          | M    | M            | M    | ●               | S    |                 | ●    | ●    | M    | m    | ●    | M    | ●    | ●    | A | C32 Convenience Commercial             |                                      |                      |
| C34*            | ●    | ●           |      |       | ●                | ●          |      | ●          | ●    | ●            | ●    | ●               | S    | ●               | ●    | ●    | M    | m    | ●    | ●    | ●    | ●    | A | C34* Gen. Commercial/Residential       |                                      |                      |
| C35             | M    |             |      |       | ●                | ●          |      | ●          | ●    | ●            | ●    | ●               | S    | ●               | ●    | ●    | M    | m    | ●    | ●    | ●    | ●    | A | C35 Gen. Comm./Ltd. Residential        |                                      |                      |
| C36             | 1    | M           |      |       | ●                | ●          |      | ●          | ●    | ●            | ●    | ●               | S    | ●               | ●    | ●    | M    | ●    | ●    | ●    | ●    | ●    | A | C36 General Commercial                 |                                      |                      |
| C37             | 1    | M           |      |       | ●                | ●          | ●    | ●          | ●    | ●            | ●    | ●               | S    | ●               | ●    | ●    | M    | ●    | ●    | ●    | ●    | ●    | A | C37 Heavy Commercial                   |                                      |                      |
| C38             | 1    |             |      |       | ●                | ●          | ●    | ●          | ●    | M            | ●    | ●               | S    |                 | ●    | ●    | M    | ●    | ●    | ●    | ●    | ●    | A | C38 Service Commercial                 |                                      |                      |
| C40             | 1    |             |      |       | ●                | ●          | ●    | ●          | ●    | ●            | ●    | ●               | S    |                 | ●    | ●    | M    | m    | ●    | ●    | ●    | ●    | A | C40 Rural Commercial                   |                                      |                      |
| C42*            | 20   |             |      |       | ●                | ●          | ●    |            |      |              |      | ●               |      |                 |      |      |      | m    | ●    |      |      |      | A | C42* Visitor Serving Commercial        |                                      |                      |
| C44             |      |             |      |       | ●                | ●          | ●    | M          | M    | M            | M    | M               | ●    | S               | ●    | ●    | M    | M    | m    | M    | M    | ●    | A | C44 Freeway Commercial                 |                                      |                      |
| C46*            |      |             |      |       | ●                | ●          |      | M          | M    | ●            | M    | ●               | ●    | S               | ●    | ●    | M    | M    | m    | ●    | M    | ●    | A | C46* Medical Center                    |                                      |                      |
| INDUSTRIAL      |      |             |      |       |                  |            |      |            |      |              |      |                 |      |                 |      |      |      |      |      |      |      |      |   |  |                                      |                      |
| M50             |      |             |      |       | ●                | ●          |      | M          | ●    | M            | ●    | M               | M    | ●               | S    |      | ●    | M    | M    | m    | ●    | ●    | m | A                                      | M50 Basic Industrial                 |                      |
| M52             |      |             |      |       | ●                | ●          |      | M          | ●    | M            | ●    | M               | M    | ●               | S    |      | ●    | M    | M    | m    | ●    | ●    | m | A                                      | M52 Limited Impact Industrial        |                      |
| M54             |      |             |      |       | ●                | ●          |      | M          | ●    | M            | ●    | M               | M    | ●               | S    |      | ●    | M    | M    | ●    | ●    | ●    | m | A                                      | M54 General Impact Industrial        |                      |
| M56+            |      |             |      |       | ●                | ●          |      | M          | ●    | M            | ●    | M               | M    | ●               | S    |      | ●    | M    | M    | ●    | ●    | ●    | m | A                                      | M56+ Mixed Industrial                |                      |
| M58             |      |             |      |       | ●                | ●          |      | M          | ●    | M            | ●    | M               | M    | ●               | S    |      | ●    | M    | M    | ●    | ●    | ●    | m | A                                      | M58 High Impact Industrial           |                      |
| AGRICULTURAL    |      |             |      |       |                  |            |      |            |      |              |      |                 |      |                 |      |      |      |      |      |      |      |      |   |  |                                      |                      |
| A70             | ●    | M           | 18   |       | ●                | ●          | m    | M          | M    | M            | M    | M               | ●    | S               | M    | m    | M    | M    | m    | M    | M    | m    | A | A70 Limited Agriculture                |                                      |                      |
| A72             | ●    | M           | 18   |       | ●                | ●          | m    | M          | M    | M            | M    | M               | ●    | S               | M    | S    | M    | M    | m    | M    | M    | m    | A | A72 General Agriculture                |                                      |                      |
| SPECIAL PURPOSE |      |             |      |       |                  |            |      |            |      |              |      |                 |      |                 |      |      |      |      |      |      |      |      |   |  |                                      |                      |
| S80*            | ●    |             |      |       | ●                | ●          |      | M          | M    | M            | M    | M               | ●    | S               |      |      | M    | M    | m    | M    | M    | m    | A | S80* Open Space                        |                                      |                      |
| S81             |      |             |      |       | ●                | ●          |      | M          | M    | M            | M    | M               | ●    | S               |      | m    | M    | M    | m    | M    | M    |      | A | S81 Ecological Resource Area           |                                      |                      |
| S82             |      |             |      |       | ●                | ●          |      | M          | M    | M            | M    | M               | ●    | S               |      |      |      |      |      |      |      |      | A | S82 Extractive                         |                                      |                      |
| S86             |      |             |      |       | ●                | ●          |      |            |      |              |      |                 | ●    | S               |      | m    |      |      | m    | ●    |      |      | A | S86 Parking                            |                                      |                      |
| S87+            | ●    | M           | M    |       | ●                | ●          | m    | M          | M    | M            | M    | M               | ●    | S               | M    | m    | m    | M    | m    | M    | M    | m    | A | S87+ Limited Control                   |                                      |                      |
| S88+            | ●    |             |      |       | ●                | ●          | ●    |            |      |              |      |                 | ●    | S               |      | m    |      |      | m    |      |      |      | A | S88+ Specific Plan Area                |                                      |                      |
| S90+            | ●    | M           |      |       | ●                | ●          | m    | M          | M    | M            | M    | M               | ●    | S               | M    | m    | M    | M    | m    | M    | M    | m    | A | S90+ Holding Area                      |                                      |                      |
| S92             | ●    | M           |      |       | ●                | ●          | m    | M          | M    | M            | M    | M               | ●    | S               | M    | S    | M    | M    | m    | M    | M    | m    | A | S92 General Rural                      |                                      |                      |
| S94+            |      |             |      |       | ●                | ●          | m    | M          | M    |              | M    | M               | ●    | S               |      | m    |      | M    | m    | m    | M    |      | A | S94+ Transportation & Utility Corridor |                                      |                      |
| SWF             |      |             |      |       | ●                | ●          |      |            |      |              |      |                 |      |                 |      |      | ●    |      |      |      |      |      | A | SWF Solid Waste Facility               |                                      |                      |

**MATRIX LEGEND**

- Permitted
- A Permitted by Administrative Permit
- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
- P Permitted Only Within Planned

1-22

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O

E

Subject to Limitations (See Section 2980)

May Be Subject to Site Plan Approval

Other Uses Not Shown on Matrix May be Permitted (See Text of Use Regulations)

Subject to Limitations (See Sections 2812 and 2818)

Exceptions to Enclosure Matrix (See Section 6814)



## SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

| USE TYPES                                  |  |
|--|--|
| <b>AGRICULTURAL</b>                        |  |
| Enclosed                                   |  |
| Semi-Enclosed                              |  |
| Open                                       |  |
| Horticulture                               |  |
| (a) Cultivation                            |  |
| (b) Storage                                |  |
| Tree Crops                                 |  |
| Row & Field Crops                          |  |
| Animal Raising                             |  |
| Animal Waste Processing (see Section 6902) |  |
| Packing and Processing                     |  |
| a) Limited                                 |  |
| b) General                                 |  |
| c) Support                                 |  |
| d) Winery                                  |  |
| e) Boutique Winery (see Section 6910)      |  |
| f) Wholesale Limited Winery                |  |
| Agricultural Equipment Storage             |  |
| Farm Labor Camp                            |  |
| <b>EXTRACTIVE</b>                          |  |
| Mining and Processing (See Section 6504)   |  |
| Site Preparation                           |  |
|  |  |

## MATRIX LEGEND

- $$\begin{array}{c} 1-22 \\ * \\ + \\ \text{O} \\ \boxed{\text{E}} \end{array}$$

Subject to Limitations (See Section 2980)  
May Be Subject to Site Plan Approval  
Other Uses Not Shown on Matrix May be Permitted  
(See Text of Use Regulations)  
Subject to Limitations (See Sections 2812 and 2818)  
Exceptions to Enclosure Matrix (See Section 6814)



## PART THREE: ANIMAL REGULATIONS

### GENERAL PROVISIONS

#### 3000 TITLE AND PURPOSE.

The provisions of Section 3000 through Section 3999, inclusive, shall be known as the Animal Regulations. The purpose of these provisions is to replace the Use Regulations pertaining to the keeping of animals with provisions regulating the density of animals and the setbacks of animal enclosures in order to achieve the varying objectives of the County's urban and rural areas and the individual needs of different communities and neighborhoods regarding the quality of the environment. (These regulations were formerly a part of the Neighborhood Regulations.)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

#### 3010 ANIMAL REGULATIONS AS PART OF ZONE.

An Animal Designator, if required pursuant to these regulations, together with a Use Designator, as specified in Section 2000 through Section 2999, inclusive; a Development Designator, as specified in Section 4000 through Section 4999, inclusive; and any Special Area Designator, as specified in Section 5000 through 5999, inclusive; shall together describe a zone which conveys regulations of uses, buildings and other structures within San Diego County.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

#### 3020 LIMITATION ON SELECTION OF ANIMAL DESIGNATORS.

Animal Designators shall be limited to those specified in the schedule(s) within these regulations. Alterations to such schedule(s) shall be made pursuant to the conditions and subject to the provisions of the Zoning Ordinance Amendment Procedure commencing at Section 7500.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

#### 3025 ANIMAL DESIGNATORS.

All applications of the Animal Regulations shall contain designators appropriate and auxiliary to the zone's use regulations. When a designator is not included for the Animal Regulations, a dash ("-") shall occupy the location normally occupied by the designator to indicate that no animals are allowed other than those not subject to the Animal Schedule at Section 3110 as described in the "Notes" applicable to said schedule .

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81)

(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

3030

**3030 CHANGES IN ANIMAL REGULATIONS.**

Exceptions to the regulations specified within the Animal Regulations shall be subject to the provisions of the Variance Procedure commencing at Section 7100 or the Use Permit Procedure commencing at Section 7350. Change of designators specified within Animal Regulations shall be subject to the provisions of the Zoning Ordinance Amendment Procedure commencing at Section 7500.

(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**3035 DESCRIPTION OF DESIGNATOR.**

The Animal Designator shall be indicated by a capital letter referring to the corresponding row in the Animal Schedule at Section 3100. The Animal Schedule shall specify the restrictions and density ranges for animal use types as well as the applicable column of the Animal Enclosure Setback Table at Section 3112.

(Repealed and Reenacted by Ord. No. 8166 (N.S.) adopted 10-21-92)

**3040 SPECIFIC PLANS**

If a Specific Plan has been adopted for property which is also subject to the S88 Specific Planning Area Use Regulations, any provisions of the Specific Plan relating to subjects contained in the Animal Regulations in this part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

**3100 ANIMAL SCHEDULE.**

Animal designators used within the Animal Regulations shall be limited to those in the following Animal Schedule. The Animal Schedule is incorporated into this section, and all references to this section shall include references to it.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)  
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
(Repealed and Reenacted by Ord. No. 8166 (N.S.) adopted 10-21-92)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

# Animal Schedule

(Part of Section 3100)

| ANIMAL USE TYPE<br>(See Note 4)                       | Restrictions and<br>Density Range                            | DESIGNATOR   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|---|--|--------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
|   |  | A            | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X |   |  |
| ANIMAL SALES AND SERVICES:<br>HORSE STABLES           |  |              |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| (a) Boarding or Breeding                              | Permitted  |              |   |   |   |   |   | X | X | X |   |   |   |   |   | X |   |   |   |   |   |   |   |   | X | X |  |
|   | MUP required   |              |   |   |   |   |   |   |   |   | X |   | X | X | X |   |   |   |   |   |   | X | X |   |   |   |  |
|   | ZAP required   |              |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| (b) Public Stable                                     | Permitted  |              |   |   |   |   |   |   |   |   |   |   |   |   |   | X |   |   |   |   |   |   |   |   | X |   |  |
|   | MUP required   |              |   |   | X | X | X |   |   |   | X |   | X | X | X |   |   |   |   |   |   | X | X |   | X |   |  |
|   | ZAP required   |              |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| ANIMAL SALES AND<br>SERVICES:<br>KENNELS (see Note 1) | Permitted  |              |   |   |   |   |   |   |   |   |   |   |   |   |   | X |   |   | X |   | X |   |   |   |   |   |  |
|   | Permitted provided fully enclosed                            |              |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | MUP required   |              |   |   |   |   |   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   | X | X |   |   |  |
|   | ZAP required   |              |   |   | X | X | X | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | One acre + by MUP  | X            | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| ANIMAL RAISING (see Note 6)                           |  |              |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| (a) Animal Raising Projects<br>(see Section 3115)     | Permitted  |              |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |  |
|   | ½ acre+ by ZAP   |              |   |   | X | X | X |   |   |   | X |   | X | X | X | X | X |   |   |   |   |   | X | X |   |   |  |
|   | 1 acre+ by MUP   | X            | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| (b) Small Animal Raising<br>(includes Poultry)        | Permitted  |              |   |   |   |   |   |   |   |   |   |   |   | X | X | X | X |   |   |   |   |   |   |   | X |   |  |
|   | ½ acre+ permitted  |              |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | 100 maximum  |              |   |   |   |   |   |   |   |   |   | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | 25 maximum   |              |   |   | X | X | X |   |   |   | X |   | X |   |   |   |   | X | X |   |   |   |   | X |   | X |  |
|   | ½ acre+: 10 max  | X            | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | Less than ½ acre: 100 Maximum                                |              |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | ½ acre+ 25 max by ZAP  | X            | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | 100 max by ZAP   |              |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |  |
|   | Chinchillas (See Note 5)                                     | MUP required |   |   |   |   |   |   |   |   |   |   |   | X |   |   |   |   |   |   |   |   |   |   |   |   |  |
| (c) Large Animal Raising<br>(Other than horsekeeping) | 4 acres + permitted  |              |   |   |   |   |   |   |   |   |   |   |   |   |   | X |   |   |   |   |   |   |   |   | X |   |  |
|   | 8 acres + permitted  |              |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | 2 animals plus 1 per ½ acre over 1 acre                      |              |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |  |
|   | 4 animals plus 4 for each ½ acre over ½ acre                 |              |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|   | 1 ½ acres or less: 2 animals                                 |              |   |   |   |   |   |   |   |   |   | X | X | X | X | X |   |   |   |   |   |   |   |   | X |   |  |
|   | 1 ½ to 4 acres: 1 per ½ acre                                 |              |   |   |   |   |   |   |   |   |   | X | X | X | X | X |   |   |   |   |   |   |   |   | X |   |  |
|   | 4 acres+, 8 animals + 1 cow or sheep per 1 acre over 4 acres |              |   |   |   |   |   |   |   |   |   | X | X | X | X |   |   |   |   |   |   |   |   |   |   |   |  |



| ANIMAL USE TYPE<br>(See Note 4)  | Restrictions and<br>Density Range          | DESIGNATOR |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
|--|--|------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|--|
|  |  | A          | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X |  |  |
| (See Note 2)   | 2 animals                                  |            |   |   |   |   |   |   |   |   | X |   |   |   |   |   | X | X | X |   |   |   | X |   | X |  |  |
|  | 4 acres plus by MUP                        |            |   |   |   |   |   |   |   |   |   | X |   |   | X |   |   |   |   |   |   |   |   |   |   |  |  |
|  | ½ acre plus 2 animals<br>per ½ acre by ZAP | X          | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |  |  |
|  |  |            |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
|  | Grazing Only                               |            |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | X | X |   |   |   |  |  |
| (d) Horse keeping (other than<br>Animal Sales and Services:<br>Horse Stables)                              | Permitted                                  |            |   |   |   |   |   | X | X | X | X | X | X | X | X | X | X | X | X |   |   | X | X | X | X |  |  |
|  | 2 horses + 1 per ½<br>acre over 1 acre     |            |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
|  | ZAP required                               |            |   |   | X | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
|  | ½ acre plus by ZAP                         | X          | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
| (e) Specialty Animal Raising:<br>Bees (See Title 6, Division<br>2, Chapter 9, County Code)<br>(See Note 7) | Permitted                                  |            |   |   | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |  |  |
|  | ZAP Required                               | X          | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
| (f) Specialty Animal Raising:<br>Wild or Undomesticated<br>(See Note 3)                                    | ZAP Required                               |            |   |   | X | X | X | X | X | X |   |   | X | X | X | X | X |   |   | X | X | X |   | X |   |  |  |
| (g) Specialty Animal Raising:<br>Other (Excluding Birds)   | 25 maximum                                 |            |   |   | X | X | X |   |   |   | X | X | X |   |   |   | X | X | X | X | X |   | X |   | X |  |  |
|  | 25 maximum by ZAP                          | X          | X | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
|  | 25 plus by ZAP                             |            |   |   | X | X | X |   |   |   | X | X | X | X |   |   | X |   |   | X | X | X | X |   | X |  |  |
|  | Permitted                                  |            |   |   |   |   |   | X | X | X |   |   |   |   | X | X |   |   |   |   |   |   |   | X |   |  |  |
| (h) Specialty Animal Raising:<br>Birds   | 25 maximum                                 |            |   |   | X | X | X |   |   |   |   |   | X |   |   |   |   | X | X | X | X | X |   |   |   |  |  |
|  | 100 maximum                                |            |   |   |   |   |   | X | X | X | X | X |   |   |   |   | X |   |   |   |   |   | X |   |   |  |  |
|  | Additional by ZAP                          | X          | X | X |   |   |   | X | X | X | X | X | X |   |   |   | X |   |   |   |   | X | X |   |   |  |  |
|  | Permitted                                  |            |   |   |   |   |   |   |   |   |   |   |   | X | X | X |   |   |   |   |   |   |   | X | X |  |  |
| (i) Racing Pigeons   | 100 Maximum                                |            |   |   |   |   |   |   |   |   | X | X |   |   |   |   |   |   |   |   |   |   | X |   |   |  |  |
|  | 100 Max 1/acre plus                        |            |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |   |   |   |   |   |   |   |  |  |
|  | Permitted                                  |            |   |   |   |   |   |   |   |   |   |   | X | X | X | X | X |   |   |   |   |   |   | X | X |  |  |
| ANIMAL ENCLOSURE SETBACKS<br>(See Section 3112)  |  |            |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
| Most Restrictive   |  | X          |   |   | X |   |   | X |   |   | X | X | X | X | X | X | X | X | X | X | X | X | X | X |   |  |  |
| Moderate   |  |            | X |   |   | X |   |   | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
| Least Restrictive  |  |            |   | X |   |   | X |   |   | X |   |   |   |   |   |   |   |   |   |   |   |   |   |   | X |  |  |

MUP = Major Use Permit

+ = plus

ZAP = Minor Use Permit

**Notes:**

1. Dogs and cats not constituting a kennel and up to two pot-belly pigs are accessory uses subject to the Accessory Use Regulations commencing at Section 6150.
2. On land subject to the "S" and "T" Animal Designators, grazing of horses, bovine animals and sheep permitted provided no buildings, structure, pen or corral shall be designated or used for housing or concentrated feeding of animals, and the number of such animals shall not exceed 1 animal per ½ acre of land.
3. One wild or undomesticated animal, kept or maintained in conformance with State and local requirements, is an accessory use subject to the Accessory Use Regulations commencing at Section 6150, and is not subject to the Animal Schedule. (Amended by Ordinance Number 7432 (N.S.) adopted January 6, 1988.)
4. The Animal Schedule does not apply to small animals, specialty animals, dogs or cats which are kept for sale in zones where the Retail Sales, General Use type is permitted provided that all activities are conducted entirely within an enclosed building, the building is completely soundproof, there are no outside runs or cages, no boarding of animals, no outside trash containers and no offensive odors.
5. Chinchillas are considered small animals except that a MUP may be approved for more than 25 chinchillas on property with the "L" Designator.
6. The number of animals allowed is per legal lot.
7. Beekeeping must be located at least 600 feet from any habitable dwelling unit, other than such dwelling unit owned by the person owning the apiary.

**3112 ANIMAL ENCLOSURE SETBACK TABLE.**

Notwithstanding the provisions of an applicable setback designator, enclosures containing the animal-related use types listed in Section 3110 shall have the minimum setbacks specified in the Animal Enclosure Setback Table. The Animal Enclosure Setback Table is incorporated into this section, and all references to this section shall include references to it. Animals subject to the Animal Setback Table must be confined within the appropriate enclosure.

| ANIMAL<br>ENCLOSURE<br>LOCATION         | ANIMAL ENCLOSURE SETBACKS (a)   |  |  |
|---|---------------------------------|--|--|
|   | MOST<br>RESTRICTIVE (b)         | MODERATE (b)   | LEAST<br>RESTRICTIVE (b)   |
| Distance from Street<br>Center Line     | Same as for main<br>building(c) | Same as for main<br>building   | Zero (0) feet<br>(from street line)  |
| Distance from<br>Interior Side Lot Line | 15 feet                         | Five (5) feet  | Zero (0) feet for open<br>enclosure.<br>Five (5) feet for roofed<br>enclosure. |
| Distance from Rear<br>Lot Line          | 10 feet                         | Zero (0) feet for<br>open enclosure.<br>Five (5) feet for<br>roofed enclosure. | Zero (0) feet  |

**NOTES:**

- a. Animal enclosure includes pens, coops, aviaries, hutches, stables, barns, corrals, and similar structures used for the keeping of poultry or animals.
- b. A fenced pasture containing a minimum of 2 acres, with no building used for human habitation and having no interior cross-fencing, is exempt from the animal enclosure setback requirements.
- c. Refer to applicable setback designator and setback schedule at Section 4810.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)  
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## DENSITY REGULATIONS

### 4100 TITLE AND PURPOSE.

The provisions of Section 4100 through Section 4199, inclusive, shall be known as the Density Regulations. The purpose of these provisions is to aid in the implementation of the growth, population distribution, conservation, and development policies of the San Diego County General Plan and its associated Community and Specific Plans, and to meet requirements for residential and nonresidential development within the County as set forth in the policies and principles of the General Plan.

### 4105 DENSITY DESIGNATOR NOTATION.

Density shall be indicated by an Arabic numeral indicating the actual maximum number of permitted dwelling units per net residential acre. Density may be expressed in decimal fraction notation, e.g. "3" and "3.5" indicating three and three and one-half dwelling units per net residential acre, respectively. A dash ("-") shall indicate that no dwelling units are allowed. This prohibition shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations (see sections 6156 and 6160).

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

### 4110 DENSITY REGULATIONS.

- a. Specification of Density. Maximum residential densities expressed in dwelling units per net residential acre shall be established to regulate the density of residential development and any such density may be specified within the Development Regulations. The adopted San Diego County General Plan shall serve to guide the specification of residential density.
- b. Density Designator. In no case shall a density greater than 43 dwelling units per net residential acre be specified.
- c. Minimum Density. Minimum densities may be applied to require a minimum level of residential development, when development is undertaken. Minimum residential density shall be expressed as the minimum dwelling units permitted per net residential acre and shall appear as an Arabic numeral which precedes the maximum residential density and which is separated by a dash ("-") from the maximum residential density. The notation for minimum density shall be the same as that specified for maximum density in Section 4105. A minimum residential density shall not be specified except in association with a maximum residential density.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6478 (N.S.) adopted 12-1-82)

#### 4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.

The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. A product with a fraction of more than one-half of a dwelling unit shall be rounded up to the nearest whole number of dwelling units. The use of a dash ("-") as a density designator shall indicate that no dwelling unit is allowed as a principal or secondary use. This prohibition shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

#### 4116 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS WHEN DISCRETIONARY REVIEW IS REQUIRED AND PORTION OF SITE WILL BE REQUIRED FOR STREET RIGHT-OF-WAY.

The maximum number of dwelling units permitted within the exterior boundary lines of property which is subject to approval of a Site Plan or Administrative Permit shall be computed as in Section 4115 except that:

- a. The Director shall obtain a recommendation for necessary street right-of-way requirements from the Department of Public Works; and
- b. Any street right-of-way which would be required by the Department of Public Works in order to obtain a building permit for the subject property shall be deducted in making the above calculations for net lot area.

(Added by Ord. No. 7740 (N.S.) adopted 3-28-90)

#### 4120 EXCEPTIONS TO DENSITY REGULATIONS.

The following are exceptions to the Density Regulations:

- a. Farm Employee Housing. Farm Employee Housing is not subject to Density Regulations.

(Repealed and Reenacted by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

- b. Farm Labor Camps. Dwelling units built pursuant to a use permit to accommodate a farm labor camp are not subject to Density Regulations.

- c. Mobilehome Projects. A Major Use Permit for a mobilehome project may be granted to allow a density of not more than 8 dwelling units per acre when the Planning Commission or the Board of Supervisors finds that the project complies with Policy 3.8 of the Land Use Element of the General Plan.
- d. Affordable Housing Projects for Low-Income, Very Low-Income and Senior Households. A Major Use Permit may allow an increase of density in excess of the normally permitted density for projects that reserve units for low-income, very low-income households and senior housing. A permit may be approved in accordance with the following:
  - 1. Housing pursuant to Board Policy I-79: Projects proposed for occupancy by low-moderate- income elderly households shall be in accordance with Board of Supervisors Policy I-79. For projects located in multiple residential areas as defined in Board Policy I-79 a maximum density of up to forty-five (45) dwelling units per acre may be authorized by Major Use Permit pursuant to the procedures at Section 7350 and following.

i. **ADDITIONAL FINDINGS REQUIRED FOR INCREASED DENSITY PURSUANT TO BOARD POLICY I-79:**

Prior to granting any permit for increased density pursuant to this Subsection (d), the approving authority after considering a recommendation from County Housing and Community Development shall find that:

- The increased density is commensurate with the social benefit received in terms of the affordability of the rents and increased supply of affordable housing, and
- The project does not create an undue concentration of lower income households.

2. **Density Bonus for Low-Income, Very Low Income and Seniors:** Projects proposed for occupancy by persons and families of low-income, very low-income or projects for senior citizens per Section 65915 of the Government Code (State Density Bonus Law) shall be in accordance with these provisions. A twenty-five (25) percent density bonus and an additional incentive or incentives may be authorized by Major Use Permit pursuant to the procedures at Section 7350 and following.

An additional incentive or incentives may be granted in addition to the 25 percent density bonus when a percentage of the total units are developed and reserved for very low and low-income households and qualifying senior citizens. All such developments must meet one or more of the following minimum criteria:

- At least 20 percent of the total units allowed by the maximum permitted density is at affordable housing costs for and reserved for low-income households for the prescribed duration; or
- At least 10 percent of the total units allowed by the maximum permitted density is at affordable housing costs for and reserved for very low-income households for the prescribed duration; or
- At least 50 percent of the total units allowed by the maximum permitted density is designated for and reserved for senior households.

To be eligible for a density bonus or residential incentives, the developer must sign a binding agreement with the County Department of Housing and Community Development (HCD) that sets forth the conditions and guidelines to be met in the implementation of the density bonus law requirements and/or any other applicable requirements. The agreement will also establish specific compliance standards and remedies available to the County upon failure by the developer to restrict units to target households for the prescribed time period. Applicants seeking a waiver or modification of development or zoning standards must show to the satisfaction of County HCD and Planning and Land Use (DPLU) that such waiver or modification is necessary to make the development economically feasible.

A portion of the units constructed pursuant to this density bonus subsection (d) shall be reserved for qualifying low or very low income households or to senior citizens in perpetuity. Affordability will be defined by County HCD, or its designee, in accordance with applicable federal, state or local policies and programs. The definition of affordability may be adjusted periodically to reflect changes in the housing market. County HCD shall review all proposals for density bonuses to determine whether they meet the goals of the most current adopted Consolidated Plan.

**NOTE DEFINITIONS:**                      Low or Very Low Income or Senior Housing

Very Low Income = at or below 50% of the San Diego regional median income, as defined by the U.S. Department of Housing and Urban Development (HUD).  
 Low Income = at or below 80% of the San Diego regional median income, as defined by HUD.

- (6) The development project is inconsistent with the general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the County has an adopted Housing Element.

e. Lower Income Family Housing. A Major Use Permit may be granted in areas permitted by the General Plan, to allow a density of not more than 20 dwelling units per acre provided that:

1. Occupancy of all dwelling units on the lot or building site is limited to lower income families as defined by the Board of Supervisors or its designee. Income eligibility of prospective tenants or buyers shall be determined by the County Department of Housing and Community Development.
2. Rents for dwelling units constructed pursuant to this paragraph shall be affordable by lower income families as defined by the Board of Supervisors or its designee. Maximum rents shall be defined in a contractual agreement between the owner and the Housing Authority of the County of San Diego. Such contractual agreement shall be recorded, shall run with the land, and shall be binding on future owners for such period as designated in the contract.
3. The approving authority finds after considering a recommendation by the Director of Housing and Community Development, that
  - i. The increased density is commensurate with the social benefit received in terms of the affordability of the rents and increased supply of affordable housing, and
  - ii. The project does not create an undue concentration of lower income households.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5676 (N.S.) adopted 12-19-79)

(Amended by Ord. No. 5781 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)

(Amended by Ord. No. 6029 (N.S.) adopted 4-22-81)

(Amended by Ord. No. 6045 (N.S.) adopted 4-29-81)

(Amended by Ord. No. 6479 (N.S.) adopted 12-01-82)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 6634 (N.S.) adopted 08-03-83)

(Amended by Ord. No. 7319 (N.S.) adopted 06-10-87)

(Amended by Ord. No. 7525 (N.S.) adopted 09-07-88)

(Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)

(Amended by Ord. No. 9020 (N.S.) adopted 04-14-99)

(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

4125

4125            COMPUTATION OF MINIMUM NUMBER OF DWELLING UNITS.

The minimum number of dwelling units required within the exterior boundary lines of any subdivision, or a single lot shall be equal to the product of the total of the net lot area of such subdivision, or lot expressed in acres multiplied by the applicable minimum density designator, if any. A product with any fraction of a dwelling unit shall be rounded up to the nearest whole number of dwelling units.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 4116)  
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)



| Street   | Minimum Setback<br>From Centerline | Zone or Use Regulation<br>Within Which Special<br>Setback Applies |
|--|------------------------------------|---|
| Parkside Street in Lakeside, between<br>River and Vine Streets   | 30'                                | All Zones   |
| Parkside Street (north side) in<br>Lakeside, between Channel Road<br>and River Street  | 40'                                | All Zones   |
| River Street in Lakeside   | 40'                                | All Zones   |
| San Diego County Hwy. Commission<br>Route 8 in Lakeside between Vine<br>Street and Julian Avenue   | 30'                                | All Zones   |
| Mission Avenue in the Vista area,<br>between East Vista Way & City of<br>Oceanside   | 70'                                | All Zones   |
| State Hwy. 78 (San Pasqual Valley Road)<br>in the Escondido area, between Birch<br>Avenue & Summit Drive   | 62                                 | Residential Zones   |
| South Santa Fe Avenue in the Vista<br>area, between a point 150 feet north-<br>westerly of Montgomery Drive and a<br>point 450 feet southerly of Palmyra Drive | 70'                                | Commercial &<br>Industrial Zones                                  |
| Via de la Valle (north side), between<br>Via del Canon and Camino Real   | 75'                                | Commercial Zone   |
| Vine Street (westerly side) in Lake-<br>side between Maplevue Street &<br>Woodside Avenue  | 40'                                | All Zones   |
| Vine Street in Lakeside, between<br>Woodside Avenue & Los Coches Road  | 30'                                | All Zones   |
| Vista Avenue in the Escondido area   | 70'                                | All Zones   |
| Willow Glen Drive in Dehesa between<br>Dehesa Road & the south line of<br>Section 16, T6S, R1E.  | 70'                                | Commercial Zones  |

4816

| <u>Street</u>   | <u>Minimum Setback<br/>From Centerline</u> | <u>Zone or Use Regulation<br/>Within Which Special<br/>Setback Applies</u> |
|---|--|--|
| Woodside Avenue in Lakeside, between<br>Vine and River streets  | 30'  | All Zones  |
| All streets in Pine Hills zoned E1 as<br>of January 1, 1978   | 50'  | All Zones  |
| Rancho Road and Date Lane in the<br>Campo Del Dios subdivision (Map Nos.<br>1897, 1841, 1901, 1954, 2029)   | 40'  | RR.5   |
| All streets in the Campo Del Dios<br>subdivision (Map Nos. 1819, 1837,<br>1841, 1901, 1954, 2029) with a<br>30 foot right-of-way, and the street<br>opening that extends Grape Lane to<br>Del Dios Highway. | 25' (30' for<br>garage<br>structures)      | RR.5   |

\* Minimum setback shall be consistent with the Main Building Setback regulations in the applicable Fallbrook Village Zone Regulations.

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
 (Amended by Ord. No. 8482 (N.S.) adopted 11-30-94)  
 (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  
 (Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

#### 4817 FRONT YARD SETBACK WHEN CENTERLINE NOT ADOPTED.

When the centerline of the street fronting a lot or building site has not been officially adopted, the front yard setback shall be measured perpendicularly to the assumed centerline of the street, determined as a point in the street equally distant from each outer edge of the street.

#### 4818 THROUGH LOTS TO HAVE TWO FRONT YARDS.

A through lot shall maintain a front yard adjacent to each street upon which it fronts and to which it has access rights.

#### 4819 RELATION TO BUILDING TYPE REGULATIONS.

Setbacks required by an applicable setback designator shall apply to all buildings except that semi-detached, duplex and attached building types permitted by an applicable building type designator shall not be subject to the interior side yard requirements of such setback designator along those interior side lot lines where buildings are attached.

4830            YARDS ADJACENT TO INTERNATIONAL BORDER WITHIN MOUNTAIN  
EMPIRE SUBREGIONAL PLAN AREA

For any lot or building site located within the boundaries of the Mountain Empire Subregional Plan Area in the vicinity of the International Border, the applicable yard requirements shall be adjusted to provide 90 feet of open space northerly of the Public Reserve Boundary. This 90 feet of open space paralleling the International Border is intended to function along with the 60-foot wide Public Reserve Area as a view corridor and emergency access corridor to facilitate law enforcement and fire protection. The provisions of this section may be waived or modified through the Administrative Permit Procedure commencing at Section 7050 in cases where a hardship will be considered to exist if the remaining property (excluding the 90-foot wide Border setback) meets any of the following criteria:

1.     Is less than 4,500 square feet in area;
2.     is less than 45 feet deep;
3.     has an average slope over 25%;
4.     has unique characteristics which would render it unusable, such as rock outcroppings, drainage swales, or conflicting easements of record.

Such waivers of the Border setback as provided for herein shall not include waiver of setbacks otherwise required by zoning.

All requests for waiver or modification of the 90 foot Border setback will be referred to the local office of the Immigration and Naturalization Service (INS) subject to Section 7060(e).

(Added by Ord. No. 7246 (N.S.) adopted 12-10-86)

4832            FORMULA FOR MODIFYING YARD REQUIREMENT.

The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine an appropriate and practical modification of required front, side and rear yard setbacks in all zones where geometric shape and dimensions and topography are such as to make the literal application of such required yard setbacks impractical. After the adoption of such formula or standard practices and the approval thereof by the Board of Supervisors, they shall be applied as an administrative act.

4835

**4835            EXCEPTIONS TO REQUIRED OPENNESS OF REQUIRED YARDS.**

Every part of each required yard shall be open and unobstructed from finished grade to the sky except for buildings, structures and projections allowed in such yard by the following table. Any building, structure or projection not specifically allowed in a required yard by the following table is prohibited. These restrictions shall not apply to buildings, structures or projections located in yards or portions thereof which are not required by an applicable setback designator or by other provisions of these Setback Regulations. (Provisions of the County Building Code, County Fire Code, local Fire Protection District Fire Code or other applicable regulations may be more restrictive. Detached accessory buildings shall observe the most restrictive setbacks, including those prescribed by Section 4842.)

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS  
(Part of Section 4835)

| Building, Structure or Projection  | Front Yard     | Interior Side Yard   | Exterior Side Yard | Rear Yard of Interior Lot  | Rear Yard of Corner Lot   |
|--|----------------|--|--------------------|--|---|
| a. Accessory storage buildings, work and hobby shops except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft. | Not permitted. | Permitted in agricultural, residential, S87 and S92 use regulations. | Not permitted.     | Permitted in agricultural, residential S87 and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.  | Permitted in agricultural, residential, S87 and S92 use regulations, but may not cover more than 50 percent of required yard in combination with all detached accessory structures.     |
| b. Outdoor swimming pools; If indoor or the only structure on a lot or building site, it must meet main building setbacks.   | Not permitted. | Permitted in agricultural, residential, S87 and S92 use.             | Not permitted.     | Permitted in agricultural, residential, S87 and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures. | Permitted in agricultural, residential, S87 and S92 use regulations, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures. |

# PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

| Building, Structure or Projection  | Front Yard   | Interior Side Yard   | Exterior Side Yard  | Rear Yard of Interior Lot  | Rear Yard of Corner Lot  |
|--|--|--|---|--|--|
| c. Private detached garages and carports; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft. | Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837. | Permitted in agricultural, residential, S87 and S92 use regulations. | Not permitted.  | Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures. | Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures. |
| d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.  | -----Not permitted-----  |  |   |  |  |
| e. Stands  | Permitted where stands are allowed by Section 6156.  | -----Not permitted-----  |   |  |  |
| f. Solar collection devices  | Permitted in all zones but not more than 30 inches above grade.  | Permitted in all zones but may not exceed 12 feet in height.         | Permitted in all zones but not more than 30 inches above grade. | Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.                               | Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.                               |

**PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS**  
(Part of Section 4835)

| Building, Structure or Projection   | Front Yard  | Interior Side Yard       | Exterior Side Yard | Rear Yard of Interior Lot   | Rear Yard of Corner Lot |
|---|---|--------------------------|--------------------|---|-------------------------|
| g. Fences   | Permitted in all zones if in conformance with Fencing and Landscaping Regulations commencing at Section 6700.       |                          |                    |   |                         |
| h. Outdoor area lighting on poles.  | Permitted in commercial and manufacturing/industrial zones only if in conformance with regulations at Section 6324. |                          |                    |   |                         |
|   | Tennis court lighting permitted pursuant to regulations in Sections 6324 and 6708.                                  |                          |                    |   |                         |
| i. Roofed, open sided patios which are attached and part of main building or roofed, open sided patios which are detached, less than 12 feet in height and less than 1,000 square feet in area. |   | -----Not permitted.----- |                    | Permitted in all zones but may not cover more than 50 percent of the required yard in combination with all detached accessory structures and must be set back from the rear lot line a distance equal to the required interior side yard. |                         |
| j. Sidewalk arcades and similar architectural features of buildings containing principal commercial use types.  | Permitted by Minor Use Permit.  | -----Not permitted.----- |                    |   |                         |

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS  
(Part of Section 4835)

| Building, Structure<br>or Projection   | Front Yard     | Interior<br>Side Yard | Exterior<br>Side Yard | Rear Yard of<br>Interior Lot | Rear Yard of<br>Corner Lot  |
|--|----------------|-----------------------|-----------------------|------------------------------|---|
| k. Uncovered, unenclosed balconies, extending above the level of first floor with exterior access of building.   | -----          | -----                 | Not permitted.        | -----                        | -----   |
| l. Uncovered, unenclosed porches, platforms or landing places not extending above level of first floor with exterior access of building and not more than 30 inches above grade. | -----          | -----                 | -----                 | -----                        | Permitted in all zones but may not cover more than 50 percent of the required yard in combination with all detached accessory structures and must be set back from the rear lot line a distance equal to the required interior side yard. |
| m. Cornices, eaves, belt courses, water tables, sills, buttresses, capital, bases, fireplaces and garden windows.  | -----          | -----                 | -----                 | -----                        | -----   |
| n. Open unenclosed stairways, and fire escapes, not covered by a roof or canopy and open beneath.  | Not permitted. | -----                 | -----                 | -----                        | Permitted in all zones but may not extend or project more than 3 feet into the required yard.   |



PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS  
(Part of Section 4835)

| Building, Structure or Projection   | Front Yard   | Interior Side Yard   | Exterior Side Yard  | Rear Yard of Interior Lot  | Rear Yard of Corner Lot |
|---|--|--|---|--|-------------------------|
| o. Bay and architectural windows provided floor area is not increased, not exceeding 24 square feet each in wall opening area, and with a sill height not less than 18 inches above finished floor. | Permitted in all zones but may not extend more than 2 feet into required yard. | Permitted if the required side yard is not less than 10 feet and may not extend more than 2 feet into required yard. | Permitted in all zones but may not extend more than 2 feet into required yard.  |  |                         |
| p. Uncovered, unenclosed pedestrian access deck, bridge, ramp or walkway to the level of the floor closest to the street level.   |  |  | Permitted on single-family lots on downhill side of street but may not project more than 3 feet into any required yard. Must be open beneath. |  |                         |
| q. Guard railings for safety protection around depressed ramps, open-work fences, hedges, or landscape architectural features.  |  |  |   | Permitted in all zones but may not be more than 42 inches in height. |                         |

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS  
(Part of Section 4835)

| Building, Structure<br>or Projection  | Front Yard  | Interior<br>Side Yard                              | Exterior<br>Side Yard | Rear Yard of<br>Interior Lot | Rear Yard of<br>Corner Lot |
|---|---|--|-----------------------|------------------------------|----------------------------|
| r. Animal containments including pens, coops, aviaries, hutch, stables barns and corrals. | -----   | -----  | -----                 | -----                        | -----                      |
| s. Trees, shrubs, and flowers.  | -----   | -----  | -----                 | -----                        | -----                      |
|   | -----See Animal Regulations commencing at Section 3100----- |  |                       |                              |                            |
|   | -----Permitted in all Zones -----                           |  |                       |                              |                            |
| (Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)   | (Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)           | (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)  |                       |                              |                            |
| (Amended by Ord. No. 5933 (N.S.) adopted 11-19-80)  | (Amended by Ord. No. 5933 (N.S.) adopted 11-19-80)          | (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92) |                       |                              |                            |
| (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)   | (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)           | (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  |                       |                              |                            |
| (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)   | (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)           | (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  |                       |                              |                            |
| (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  | (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)          | (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04) |                       |                              |                            |
| (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)   | (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)           | (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  |                       |                              |                            |
| (Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)  | (Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)            | (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09) |                       |                              |                            |
| (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)  | (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)          |  |                       |                              |                            |
| (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)   | (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)           |  |                       |                              |                            |

**4837 PRIVATE GARAGE PERMITTED IN REQUIRED FRONT YARD SUBJECT TO REGULATIONS.**

Notwithstanding the requirements of Section 4835 referring to the permitted intrusion of private garages into required front yards, because of slope, a private garage accessory to a dwelling, may intrude into the front yard if it meets the following conditions, is not built closer than ten feet from any rear or side lot line; and the proposed garage location is the only practical one for the garage:

If the half of a lot that abuts a street from which garage access is taken has a slope of greater than one foot rise or fall over a seven foot distance or the slope is such that this half of the lot is more than four feet above or below the established street elevation, the garage may be built to within ten feet of the front lot line.

The garage may be built to the front lot line if the slope of the lot meets the same requirements mentioned above and the Director finds that it would not be a hazard to pedestrian or vehicular traffic.

This Section 4837 is not intended to allow a garage to be located within the front yard setback if it replaces a pre-existing garage that has been converted, or is proposed to be converted, to another use nor to allow a second garage on property where there is an existing garage.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
 (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

**4838 WATER TANK FOR FIRE PROTECTION PERMITTED IN REQUIRED YARDS SUBJECT TO REGULATIONS.**

Notwithstanding the requirements of Section 4835 referring to permitted location of accessory structures within required yards, a water storage tank for fire protection may encroach into required yards if it meets all the following criteria:

1. Is required by the County Fire Marshal or Fire District serving the property;
2. Is not built closer than 10 feet from any street line and 3 feet from any other property line;
3. Does not exceed 15 feet in height and 12 feet in diameter; and
4. Is the only practical location which would assure gravity flow to the serving fire hydrant(s) or standpipe(s).

These water tanks may encroach closer to street lines and/or property lines than specified above, provided the Director finds that the encroachment would not be detrimental to adjacent properties and/or vehicular or pedestrian traffic.

(Added by Ord. No. 8166 (N.S.) adopted 10-21-92)  
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

4840

**4840 REQUIRED DISTANCE BETWEEN DETACHED MAIN BUILDINGS.**

No main building 2 stories or less in height shall be closer than 10 feet to any other main building to which it is not attached on the same lot or building site, and no main building exceeding 2 stories in height shall be closer than 15 feet to any other main building to which it is not attached on the same lot or building site.

**4841 REQUIRED DISTANCE BETWEEN DETACHED ACCESSORY BUILDINGS AND MAIN BUILDINGS.**

No detached accessory building walls shall be closer than 6 feet to any main building walls or other accessory building walls on the same lot or building site and no detached accessory building eaves shall be closer than 4 feet to any main building eaves or other accessory building eaves on the same lot or building site. When the distance between either the walls or the eaves of a detached accessory building and a main building or living unit are less than specified in this section, the buildings are deemed attached for the purpose of determining setbacks and both must meet the setbacks prescribed for a main building.

Exceptions to this section are:

1. More restrictive separation may be required by the Animal Enclosure Setbacks in Section 311.2
2. There is no prescribed separation between chicken coops.
3. Swimming pools which do not extend more than 3 feet above the ground adjacent thereto.

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)

**4842 SETBACKS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES.**

- a. No detached accessory building exceeding 120 square feet shall be located with walls closer than 3 feet or eaves closer than 2 feet from interior side or rear property lines except where abutting a thoroughfare or open space easement in which case they may extend to the property line.
- b. No detached accessory building authorized by Section 6156.g exceeding 1,000 square feet in area shall be located within 25 feet of any property line.
- c. The combined area of all detached accessory buildings authorized by Section 6156.g, having any portion closer than 25 feet from any property line, shall not exceed 1,000 square feet.

(Added by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**5468 STANDARDS FOR APPROVAL OF OTHER STRUCTURES.**

Except as provided in Section 5464, no building or structure may be placed, erected, constructed or expanded in a floodway unless the facility is not designed or used for human habitation or as a place of work or by the public and unless the Director of the Department of Public Works determines such building or structure will not adversely affect or unduly hinder, restrict or alter the water- carrying capacity of the floodway and will not result in any increase in flood levels during the occurrence of a 100-year flood.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**5470 TEMPORARY STRUCTURES PERMITTED IN FLOODWAY.**

The restrictions of Section 5466 and Section 5468 shall not preclude the Director from authorizing the construction, erection or placement and maintenance of a temporary structure within the floodway during the period from the beginning of May to the end of October.

(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

**5472 STORAGE OF MATERIALS IN FLOODWAY.**

With the exception of parking operating motor vehicles incidental to residential or business use or except as may be specifically authorized by a use permit issued in accordance with the provisions of this ordinance, no materials, vehicles or equipment shall be stored within the floodway and outside of a building, except those materials that will not create a hazard to the health or safety of person or property in the event the storage area is inundated.



FLOOD PLAIN AREA REGULATIONS**5500 TITLE AND PURPOSE.**

The provisions of Section 5500 through Section 5549, inclusive, shall be known as the Flood Plain Area Regulations. The purpose of these provisions is to protect the public health, safety and welfare and reduce the financial burden on the County and its inhabitants and property owners by eliminating or reducing the need for the construction of flood control channels, dikes, dams and other flood control improvements that would be required if scattered and unplanned development is permitted to occur.

**5502 APPLICATION OF FLOOD PLAIN DESIGNATOR.**

A flood plain designator shall be applied to properties within San Diego County not planned for channelization which are subject to inundation under 100-year frequency flood conditions. A determination of such flood conditions shall be reached by the Board of Supervisors after consideration of reports available from the Federal Government, appropriate State and County agencies, and consultants.

**5504 REMOVAL OF FLOOD PLAIN DESIGNATOR.**

Pursuant to a public hearing initiated by the County, the flood plain designator shall be removed from any property no longer subject to inundation as a result of grading, landscaping, clearing or the construction of flood control structures or facilities in accordance with the provisions of Section 5512. The floodway will be adjusted in accordance with any changes therein resulting from such construction.

**5506 USES PERMITTED.**

In addition to the uses permitted by the Use Regulations, any irrigation structure is permitted.

**5508 RELATIONSHIP TO NONCONFORMING USE REGULATIONS.**

In any case of conflict between the provisions of the Flood Plain Area Regulations and the provisions of the Nonconforming Use Regulations, the provisions of the Flood Plain Area Regulations shall apply.

5510

**5510 BUILDINGS AND STRUCTURES SUBJECT TO COUNTY CODE.**

No building or structure shall be placed, erected, constructed, altered or enlarged within the area subject to the Flood Plain Area Regulations except in accordance with such regulations, with provisions of the San Diego County Code including but not limited to the Building Code (Chapter 1 of Title 5 of the San Diego County Code) applicable to areas subject to inundation, and Division 8 of Title 8 of San Diego County Code applicable to drainage and watercourses.

**5512 FLOOD CONTROL FACILITIES.**

No drainage or flood control channel or facility shall be placed, erected, constructed, reconstructed, altered or enlarged, provided, however, existing flood control structures or facilities may be repaired and maintained; and the following facilities may be placed, erected, constructed, reconstructed, altered or enlarged if such a facility would not unduly accelerate or increase the flow of water so as to create a condition which would be detrimental to the health or safety of persons or property.

- a. Flood Control Channels and Levees. Natural grass-lined or similarly vegetated flood control channels.
- b. Dams and Reservoirs. Dams and reservoirs designed primarily for water conservation, recreation, or debris control.
- c. Erosion Control Works. Erosion control incidental to agricultural land use and natural resource extraction operations.
- d. Ground Water Replacement Works. Ground water replenishment works, such as, but not limited to diversion dams, percolation beds, spreading grounds and injection wells.
- e. Other Structures or Facilities. Any similar drainage or flood control structure or facility which the Director of the Department of Public Works determines would not unduly accelerate or increase the flow of water so as to create a condition which would be detrimental to the health or safety of persons or property.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**5514 REPAIR, RECONSTRUCTION OR IMPROVEMENT.**

Repair, reconstruction or improvement to any existing building or structure within the floodway is permitted, provided such repair, reconstruction or improvement is not a substantial improvement and would not result in any increase in flood levels during the occurrence of a 100-year flood.



**5516 STRUCTURES FOR HUMAN HABITATION OR EMPLOYMENT.**

Except as provided in Section 5514, no permanent building or structure designed or used for human habitation or as a place of work or by the public shall be constructed, erected, or placed in a floodway.

**5518 STANDARDS FOR APPROVAL OF OTHER STRUCTURES.**

Except as provided in Section 5514, no building or structure shall be placed, erected, constructed or expanded in a floodway unless the facility is not designed to be used by human habitation or as a place of work or by the public and unless the Director of the Department of Public Works determines such buildings or structures will not adversely affect or unduly hinder, restrict or alter the water- carrying capacity of the floodway and will not result in any increase in flood levels during the occurrence of a 100-year flood.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**5520 TEMPORARY STRUCTURES PERMITTED IN FLOODWAY.**

The restrictions of Section 5516 and Section 5518 shall not preclude the Director from authorizing the construction, erection or placement and maintenance of a temporary structure within the floodway during the period from the beginning of May to the end of October.

**5522 STORAGE OF MATERIALS IN FLOODWAY.**

With the exception of parking operable motor vehicles incidental to existing residential uses except as may be specifically authorized by a use permit issued in accordance with the provisions of this ordinance, no materials, vehicles or equipment shall be stored within the floodway.



## TEMPORARY USE REGULATIONS

### 6100 TITLE AND PURPOSE.

The provisions of Section 6100 through 6149, inclusive, shall be known as the Temporary Use Regulations. The purpose of these regulations is to establish permitted temporary uses and standards and conditions for regulating same.

### 6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.

The following temporary uses shall be permitted as specified by these regulations:

- a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.
- b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.
- c. Civic, Fraternal or Religious Assembly. The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization.
- d. Construction Support. Temporary building and structures supporting residential development and major construction.
- e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.
- f. Travel Trailer Park. The temporary operation of a travel trailer park.
- g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.
- h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.
- i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.
- j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.
- k. Meteorological Testing (MET) Facility. Temporary use of a Meteorological Testing (MET) Facility permitted in accordance with Section 6123.

(Amended by Ord. No. 7693 (N.S.) adopted 11-29-89)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

6104

**6104 TEMPORARY USES SUBJECT TO CONTROLS.**

Temporary uses shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as otherwise provided by these regulations.

**6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.**

The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

- a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.
- b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed 5 days.
- c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

**6107 ANTIQUE OR ART SHOW ON PUBLIC PROPERTY.**

The temporary gathering of people for an antique or art show and sales event may be permitted in compliance with the following provisions:

- a. Location. An antique or art show and sales event may be permitted in any zone provided such event is held on property owned by or under the control of a public agency and which is held pursuant to a permit, license, or leave approved by the governing board of said public agency, which permit, license or lease contains specific authorization for said event. As used in this section, "public agency" includes counties, cities, municipal corporations, political subdivisions, public districts and other public agencies of the State of California.
- b. Duration. The period of operation of the antique or art show and sales event shall not exceed 3 days.

(Amended by Ord. No. 6937 (N.S.) adopted 4-10-85)

**6108 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.**

The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization may be permitted in compliance with the following provisions:

- a. Location. An assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.
- b. Duration. The period of operation of the assembly shall not exceed 8 consecutive days.
- c. Recurrence. Events recurring more than four times in a calendar year are not considered temporary.

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

improvements are not removed as herein required, they may be removed or demolished, and the site restored by the County without further notice. Prior to the erection of any model home, the property owner shall post with the Director a bond in an amount satisfactory to the Director sufficient to defray any expense incurred by the County in either the restoration or conversion of the model homes to a condition suitable for sale for residential occupancy, or in the complete removal or demolition of said uses and improvements and site restoration. The bond shall be released to the property owner or person legally entitled thereto upon satisfactory removal or conversion of the concerned facilities.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)  
 (Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

#### 6118 USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

##### a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.
2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.
3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently prosecuted.
4. Construction office on or adjacent to any site on which a building or construction project is being diligently prosecuted; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.

6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.
7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S87, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
8. Government service uses in accordance with the provisions of Section 6120.

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls
- b) The trailer shall meet main building setbacks.
- c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.
- d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually.

- e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
  - f) The applicant shall furnish security in the amount of \$1,000 in a form satisfactory to the Director for health care trailers exceeding 320 square feet.
  - g) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of deposit shall be refunded or security released.
4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently prosecuted and for which security personnel are employed.
  5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.
  6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.
  7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

Prior to the expiration of the ETOP, the Director may grant one or more extensions of up to one year each upon making all of the following findings:

- a) That the granting of the extension will not be detrimental to the public health, safety and welfare;
- b) That there is a special circumstance or a hardship to the displaced residents;
- c) That the special circumstance or hardship is not the result of the residents own actions.

c. Termination of Use.

1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.
2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.

d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5684 (N.S.) adopted 1-16-80)  
 (Amended by Ord. No. 6082 (N.S.) adopted 6-10-81)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
 (Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)  
 (Amended by Ord. No. 7109 (N.S.) adopted 4-02-86)  
 (Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)  
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)  
 (Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)  
 (Amended by Ord. No. 7468 (N.S.) adopted 5-04-88)  
 (Amended by Ord. No. 7482 (N.S.) adopted 5-18-88)  
 (Amended by Ord. No. 7640 (N.S.) adopted 7-03-89)  
 (Amended by Ord. No. 8205 (N.S.) adopted 2-03-93)  
 (Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)  
 (Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)  
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



## ACCESSORY USE REGULATIONS

### 6150 TITLE AND PURPOSE.

The provisions of Section 6150 through 6199, inclusive, shall be known as the Accessory Use Regulations. The purpose of these provisions is to establish the relationship among the principal and accessory uses and the criteria for regulating accessory uses.

### 6152 ACCESSORY USES ENCOMPASSED BY PRINCIPAL USE.

In addition to the principal uses expressly included in the Use Regulations, each zone subject to such Use Regulations shall be deemed to include such accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the Administrative Appeal Procedure commencing at Section 7200.

### 6154 ACCESSORY USES SUBJECT TO CONTROLS.

Accessory uses shall be controlled in the same manner as the principal uses within each zone, except as otherwise provided by these regulations.

### 6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

- a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.
  1. On lots of less than one acre gross, the total area shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of one acre gross or larger but less than 2 acres, the area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 2 acres or larger but less than 4 acres, the area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 4 acres or larger, the area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.
  2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.
  3. Additional area may be permitted by issuance of an Administrative Permit with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.

4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.
- b. Detached Poolhouses, Art or Music Studios, and Recreation Rooms. One detached poolhouse, art or music studio, or recreation room is permitted, provided the structure meets main building setbacks and is not designed for use as a guest living quarters or commercial use, unless permitted by the applicable requirements of the Use Regulations. Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The size of detached Poolhouses, Art or Music Studios, and Recreation Rooms shall be combined with the total allowable square footage of detached private garages and carports, storage buildings, workshops, hobby shops, and other similar non-habitable structures for purposes of size limitations specified in paragraph g below.
  - c. Children's Playhouses, Patios, Porches, Gazebos, etc. Structures which are permitted to encroach into required yards per Section 4835 are limited to 12 feet in height.
  - d. Radio and Television Receiving Antennas, Dish Antennas.
  - e. Greenhouse. In the RR, A70 and A72, and S92 Use Regulations a greenhouse is allowed. In all other Residential Use Regulations, and the S88 Use Regulations where residential uses occur, a greenhouse is limited to 500 square feet unless an Administrative Permit is approved to increase the size. A greenhouse proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan. A greenhouse in any of the Use Regulations listed above shall comply with the applicable setback and Building Code requirements. The building official shall determine if a building permit is required for a greenhouse.
  - f. Silos, Windmills and Tank Houses.
  - g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by paragraph b above, shall be limited as follows:
    1. On lots of less than one acre gross, the combined area of all such structures shall not exceed 1,000 sq. ft. or 25% of the living area of the principal residence, whichever is greater. (Note that detached accessory structures which exceed 120 sq. ft. are subject to setbacks specified in Section 4842.)
    2. Provided a setback pursuant to Section 4842 is maintained:
      - i. On lots of one acre gross or larger but less than 2 acres, the combined area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater.

- ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.
- iii. On lots of 4 acres or larger, the combined area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet.

- 3. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters.
- 4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator. The Administrative Permit shall not authorize reductions to required setbacks. Reductions to setbacks shall be subject to Section 7100, Variances.

h. Barns and Agricultural Storage Buildings shall be limited as follows:

- 1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.

- 2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, S87 and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed that permitted by Section 4620(e). A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator or Section 4620(e).
- i. Offices. Offices are permitted only in zones subject to the A70, A72, S87, S90, and S92 Use Regulations.
- j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.
- k. Guest Living Quarters. In the A70, A72, RR, S87, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations upon issuance of an Administrative Permit on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:
  1. The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.
  2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.
  3. Guest living quarters shall not be allowed on a lot or parcel having a second dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.
  4. Notice of guest living quarters Administrative Permit applications shall be given as provided in Section 7060(c).
  5. Before any Administrative Permit may be granted or modified, it shall be found:
    - (a). That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
      - (i). Harmony in scale, bulk, and coverage;
      - (ii). The harmful effect, if any, upon desirable neighborhood character;

- (iii). The suitability of the site for the type and intensity of use or development which is proposed; and to
- (iv). Any other relevant impact of the proposed use; and
- (b). That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- (c). That the requirements of the California Environmental Quality Act have been complied with.

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

I. Accessory Living Quarters. Repealed.

m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:

1. There shall be no exterior evidence of the conduct of a home occupation.
2. A home occupation shall be conducted entirely within a dwelling, or an attached garage.
3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
4. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.
5. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
6. There shall be no on-premise sale of goods. Occasional transport of goods from the premises for off-site sale may occur. Internet sales are not considered on-premise sale of goods.
7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
8. There shall be no signs identifying or advertising the home occupation other than those permitted by Section 6252(d) of this ordinance.
9. The required residential off-street parking shall be maintained.
10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.

- n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.
- o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.
- p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section 1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.
- q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:
  - 1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S87, S90 and S92 Use Regulations.
  - 2. Said stand shall be located no nearer than 15 feet from the edge of any street or highway right-of-way.
  - 3. Said stand shall be operated by the owner or tenant of the property upon which the stand is located,
  - 4. Agricultural products produced on other premises owned or leased by the same property owner or tenant may be displayed and sold from said stand.
  - 5. The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.
  - 6. No agricultural produce shall be sold from a motorized vehicle.
  - 7. Cold storage shall be allowed only when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel.
  - 8. Incidental sale of items related to the sale or use of agricultural products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.
  - 9. No commodities other than those listed above may be sold from a produce stand.
  - 10. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.
- r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.

- s. Earthworms or Vermiculture. The raising of earthworms or the practice of vermiculture provided that:
  - 1. No sales are advertised or made on the premises unless permitted by the use regulations.
  - 2. Odors and/or fly-breeding are not greater than customarily found at a well-maintained residence.
  - 3. The vermiculture area shall utilize household or garden waste or materials that are produced on the site. Importing of waste or other materials from another property shall be prohibited.
  - 4. The volume of raw or composted decomposable organic and bedding materials shall not exceed that which is reasonably necessary to the production of the worms raised on the site.
- t. Retail Sales of Stable Gear. The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.
- u. Farm Employee Housing. In the RR, A70, A72, S80, S87, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:
  - 1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.
  - 2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.
  - 3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor and shall not be otherwise occupied or rented.
  - 4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.
  - 5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.

6. **Contract.** For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Land Use stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.
8. **Contract.** Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.
9. **Evidence of Commercial Agriculture.** Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.
10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:
  - a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - 1) Harmony in scale, bulk and coverage;
    - 2) The availability of public facilities, services and utilities;
    - 3) The harmful effect, if any, upon desirable neighborhood character;
    - 4) The generation of traffic and the capacity and physical character of surrounding streets;
    - 5) The suitability of the site for the type and intensity of use or development which is proposed; and to
    - 6) Any other relevant impact of the proposed use.



- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - c. That the requirements of the California Environmental Quality Act have been complied with.
  - d. That notice shall be given to owners of property within 300 feet of the exterior boundaries of the legal lot with the proposed farm employee housing and a minimum of 20 different owners pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
- v. Horticultural Sales. In all residential, agricultural, and S87, S88, and S92 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.
- w. Accessory Apartments (Elderly/Handicapped/Family Member). Repealed.
- x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:
  - 1. The second dwelling unit shall either be attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.
  - 2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.
  - 3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A.1. of the County Groundwater Ordinance (Ord. 7994 N.S.) unless an exception is granted pursuant to Section 67.750 (c) of that Ordinance.

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:
  - i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit and application for any other applicable permits; or
  - ii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or
  - iii. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.
5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.
6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.
7. Applicants are required to provide evidence satisfactory to the Director of the following:
  - i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;
  - ii. Adequate potable water supply; and
  - iii. That applicable school district fees have been paid.
8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.

9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.
10. Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.
11. Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.
12. a. A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:
  - i. Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.
  - ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.
  - iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:
    - minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.
    - maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;
    - off-street parking;
    - architectural design;
    - location of entrance;

- height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

No other exceptions to this subsection or other provisions of this Ordinance shall be authorized by the Administrative Permit.

- b. Before any Administrative Permit may be granted or modified, it shall be found:
  - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - (a). Harmony in scale, bulk, and coverage;
    - (b). The availability of public facilities, services and utilities;
    - (c). The harmful effect, if any, upon desirable neighborhood character;
    - (d). The generation of traffic and the capacity and physical character of surrounding streets;
    - (e). The suitability of the site for the type and intensity of use or development which is proposed; and to
    - (f). Any other relevant impact of the proposed use; and
  - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - iii. That the requirements of the California Environmental Quality Act have been complied with.
- c. Notice shall be given to owners of property within 300 feet of the exterior boundaries of the property proposing the second dwelling unit and a minimum of 20 different owners pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.
- 13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long as the second dwelling unit is used or maintained for use as a separate dwelling unit.

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

- y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:
1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
  2. The plot plan for a family day care home for children shall show sufficient information to determine the following:
    - i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.
    - ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.
    - iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.
    - iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.
  3. Owners of property within 300 feet of the exterior boundaries of the proposed large family day care home shall be notified by mail or delivery of the receipt of the application not less than 10 days prior to the date on which the decision will be made. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.
  5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.
  6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.
- z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:
1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements. See Subsection 7 for the exception to this setback requirement.
  2. Fencing. Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
  3. Signs. Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.
  4. Noise. The wind turbine shall be operated in such manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control). See Subsection 7 for the exception to this noise standard.
  5. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet. See Subsection 7 for the exception to this height standard.
  6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.
  7. For any Wind Turbine System that meets the definition of "Small Wind Energy System" as defined by Government Code Section 65892.13 (c)(1), the requirements for setbacks, noise and height are reduced as follows:
    - (a) The system shall be set back from property lines at least the height of the wind system. The system must also comply with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.

- (b) Decibel levels for the system shall not exceed the lesser of 60 decibels or the sound limits of the Noise Element of the San Diego County General Plan, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
- (c) Height. Height of a small wind turbine system shall not exceed either of the following:
  - (1) Up to 65 feet on parcels less than 5 acres in size, and up to 80 feet on parcels 5 acres or more.
  - (2) Height cannot exceed manufacturer's recommendations.

Any waiver or modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

- aa. **Bed and Breakfast Home.** A bed and breakfast home is a permitted accessory use upon issuance of a Minor Use Permit provided the following conditions are complied with:
  - 1. Located in a zone subject to the RR, A70, A72, S90 or S92 use regulations, or in a designated Historic District, or conducted within a structure which was constructed prior to 1936.
  - 2. A maximum of five bedrooms shall be made available for rent. A bed and breakfast home having more than five bedrooms available for rent may be approved if the home is designated a Historic Landmark in accordance with the Historic Landmark Designation procedure commencing at Section 7550.
  - 3. No bed and breakfast home shall be located on a lot closer than 500 feet from any other lot containing a bed and breakfast home. The 500 foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
  - 4. The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.
  - 5. One off-street parking space for each room rented and each employee shall be provided in addition to the parking required for single-family occupancy.
  - 6. Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - 7. Signs shall be limited to one on-premise sign not to exceed two square feet.

8. An adequate water well and sewage disposal system are available, satisfactory to the County Department of Environmental Health for use by the proposed Bed and Breakfast establishment, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use are submitted by the applicant.
  9. The primary access to the Bed and Breakfast establishment shall be via a publicly maintained road.
- bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.
1. Criteria. An application for a host home permit shall meet all of the following criteria:
    - a) A maximum of two bedrooms may be made available for rent.
    - b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.
    - c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.
    - d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
    - e) Signs shall be limited to one on-premise sign not to exceed two square feet.
    - f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.
    - g) The primary access to the host home shall be via a publicly maintained road.
  2. Affidavit Required. On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.



3. Notice Required. Notice of an Administrative Permit application shall be given to contiguous property owners or property owners within 300 feet, whichever provision would assure that the greatest number of property owners is noticed.
  4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.
- cc. Family Day Care Home For Children, Small (8 or fewer children) is a permitted residential use when located in a single-family residence.
- dd. Poultry Manure Management. Poultry manure management practices involving drying and disposal of manure produced on site or brought to a poultry ranch from another poultry ranch owned or operated by the same person(s), provided the receiving site is zoned with an animal regulations designator which allows a unlimited number of poultry.
- ee. Water Vending By Machine. In the Agricultural and Special Purpose zones, except those areas subject to the S80 Open Space and S81 Ecological Resource Area use regulations, the sale of water from coin or otherwise automatic vending machines shall be allowed, provided the volume does not exceed 5,000 gallons per any consecutive seven day period.
- ff. Recycling Collection Facility, Drop-off: Provided the total capacity of collection receptacle(s) shall not exceed 192 cubic feet per legal parcel.
- gg. Garage Sale. The sale of household articles or personal possessions incidentally accumulated during normal or conforming residential use of the property on which the sale is held is permitted, subject to the following restrictions:
1. Such sales shall not exceed three (3) consecutive days in duration;
  2. No more than four (4) such sales shall be held during any calendar year;
  3. No sale of vehicles (other than bicycles), industrial or commercial equipment, or items purchased for resale shall be permitted;
  4. The sale of personal items belonging to persons not residing on the property where the sale takes place, e.g., neighbors, is permitted.
- hh. Agricultural Homestay. An Agricultural Homestay is a permitted accessory use upon issuance of a Minor Use Permit provided the following criteria are met:
1. Located in a zone subject to the A70, A72 or S92 Use Regulations.

2. A maximum of three bedrooms in a farmer or rancher occupied residence shall be made available for rent. If a detached cabin is used in lieu of the ranch or farmhouse, it shall not exceed 500 square feet. Mobile homes and trailers are not permitted to be used for guest bedrooms.
3. The facility shall be on a working farm or ranch. Proof of a continuous agricultural enterprise on the property shall be provided to the satisfaction of the Department of Agricultural Weights and Measures and the Department of Planning and Land Use.
4. The working farm or ranch shall be located on a parcel or adjoining parcels totaling at least 10 acres in size and under the same ownership. The Agricultural Homestay activity shall cease if a subdivision or conveyance of land results in a reduction of the site to less than 10 acres or if agricultural activity ceases.
5. No Agricultural Homestay shall be located on a site containing a Bed and Breakfast or Host Home operation.
6. The farmer or rancher shall reside on the site of the agricultural operation or on an adjoining parcel under the same ownership.
7. One off-street parking space for each room rented shall be provided in addition to adequate off-street parking for the permanent residents and full-time employees.
8. Services shall be limited to the rental of rooms, activities traditionally associated with farms and ranches and the optional provision of meals for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom or cabin made available for rent.
9. Signs shall be limited to one on-premise sign not to exceed two square feet.
10. An adequate water well and sewage disposal system shall be available, satisfactory to the County Department of Environmental Health, for use by the proposed Agricultural Homestay or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.
11. The owner of the facility shall keep records of the number of guests and lengths of stay and shall retain said records for five (5) years.
12. All Minor Use Permits shall be subject to review by the Department at five (5) year intervals.

- ii. The following matrix compares Guest Living Quarters and Second Dwelling Unit provisions. Complete regulations can be found in subsections k. and x.

### Accessory Use Regulations

| <i>This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.</i> |  | Guest Living Quarters<br>(6156.k.) | Second Dwelling Unit<br>(6156.x.) |
|---|--|------------------------------------|-----------------------------------|
| <b>LOCATION AND SIZE</b>  |  |                                    |                                   |
| <b>Applicable Use Types</b>   | Residential  | ■                                  | ■                                 |
|   | Commercial   | -                                  | -                                 |
|   | Industrial   | -                                  | -                                 |
|   | Agriculture  | ■                                  | ■                                 |
|   | Special Purpose  | ■                                  | ■                                 |
| <b>Net Lot Size Restrictions<sup>1</sup></b>  | Must meet minimum required by zoning                     | -                                  | ■                                 |
|   | Must be 20,000 sf or larger                              | ■                                  | ■                                 |
|   | <b>Administrative Permit Exceptions</b>                  |                                    |                                   |
|   | May be less than 20,000 sf                               | ■                                  | ■                                 |
|   | Minimum zoning not met <sup>2</sup> but 1 acre or larger | -                                  | ■                                 |
| <b>Unit Size Restrictions</b>   | Must be equal or greater than 400 sf <sup>3</sup>        | -                                  | ■                                 |
|   | May not exceed 30% of primary dwelling <sup>3</sup>      | ■                                  | ■                                 |
|   | May not exceed 600 sf <sup>3</sup>                       | ■                                  | -                                 |
|   | May not exceed 1,200 sf <sup>3</sup>                     | -                                  | ■                                 |
|   | <b>Administrative Permit Exceptions</b>                  |                                    |                                   |
|   | Up to 50% of primary dwelling allowed                    | ■                                  | ■                                 |
|   | May not exceed 1,200 sf                                  | -                                  | ■                                 |
| <b>DESIGN AND USE</b>   |  |                                    |                                   |
| <b>Allowed Facilities</b>   | Kitchen  | -                                  | ■                                 |
|   | Wetbar   | -                                  | ■                                 |
|   | Laundry  | -                                  | ■                                 |
| <b>Occupancy</b>  | Employee   | ■                                  | ■                                 |
|   | Guests up to 30 days                                     | ■                                  | ■                                 |
|   | Guest more than 30 days                                  | -                                  | ■                                 |
|   | Rental   | -                                  | ■                                 |
| <b>Attachment to Other Structures</b>   | Primary Dwelling   | ■                                  | ■                                 |
|   | Detached garage/carport 480 sf or less                   | ■                                  | ■                                 |
|   | Detached garage/carport greater than 480 sf              | ■                                  | -                                 |
|   | Other habitable space                                    | ■                                  | -                                 |
|   | Barn/agricultural storage building                       | ■                                  | -                                 |
|   | <b>Administrative Permit Exceptions</b>                  |                                    |                                   |
|   | Detached garage/carport greater than 480 sf              | ■                                  | ■                                 |
|   | Barn/agricultural storage building                       | -                                  | ■                                 |
| <b>Electric Metering</b>  | Separate Meter Allowed                                   | -                                  | ■                                 |
| <b>PARKING</b>  |  |                                    |                                   |
| <b>Off-Street Parking Requirements<sup>4</sup></b>  | 1 space for units less than 640 sf                       | -                                  | ■                                 |
|   | 2 spaces for units equal or greater than 640 sf          | -                                  | ■                                 |

- Applicable  
- Not Applicable

#### Footnotes:

1. If lot is Groundwater dependent, the lot must be twice the minimum size required per Groundwater Ordinance Section 67.722 A.1.
2. Lot must have met the minimum net area required by zoning at the time the lot was legally created, pursuant to Policy G-3.
3. Ministerially approved, provided all criteria of DPLU (including Zoning/Building/Fire) and other County Departments are met.
4. Required spaces may not be in tandem with required spaces for primary dwelling. May not encroach into front or exterior side setbacks.

- jj. Meetings or Gatherings. The temporary gathering of individuals on private property for a non-commercial event which may involve eating, drinking, studying, or other similar activities, is allowed in compliance with the following provisions:
- a. Use of the Property. The primary use of the property must be residential.
  - b. Parking. All vehicles belonging to individuals attending the meeting or gathering shall be parked in compliance with all applicable laws and shall not impede the flow of traffic to and from the subject property or any other properties in the vicinity.
  - c. Nuisance. The gathering shall not create a public nuisance to surrounding properties, including noise, vibration, traffic or other disturbance. This section can be enforced pursuant to Section 16.205 of County Code of Regulatory Ordinances.
- zz. Other Necessary and Customary Uses. Accessory uses and structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal use, as determined by the Director.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 5912 (N.S.) adopted 10-22-80)  
 (Added by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 5676 (N.S.) adopted 12-19-80)  
 (Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)  
 (Amended by Ord. No. 6151 (N.S.) adopted & effective 8-25-81 - Urgency Ordinance)  
 (Amended by Ord. No. 6188 (N.S.) adopted 11-18-81)  
 (Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)  
 (Amended by Ord. No. 6284 (N.S.) adopted 5-5-82)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 6586 (N.S.) adopted 5-18-83)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
 (Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)  
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)  
 (Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)  
 (Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)  
 (Amended by Ord. No. 7160 (N.S.) adopted 6-18-86)  
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)  
 (Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)  
 (Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)  
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)  
 (Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)  
 (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)  
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
 (Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)  
 (Amended by Ord. No. 7817 (N.S.) adopted 9-26-90)

(Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)  
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
(Amended by Ord. No. 8409 (N.S.) adopted 6-1-94)  
(Amended by Ord. No. 8502 (N.S.) adopted 3-1-95)  
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
(Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)  
(Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)  
(Amended by Ord. No. 8805 (N.S.) adopted 6-4-97)  
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  
(Amended by Ord. No. 9156 (N.S.) adopted 6-14-00)  
(Amended by Ord. No. 9377 (N.S.) adopted 8-8-01)  
(Amended by Ord. No. 9470 (N.S.) adopted 6-12-02)  
(Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)  
(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)  
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
(Amended by Ord. No. 9982 (N.S.) adopted 4-22-09)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES.**

Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Civic, Commercial, Industrial, or Extractive Use Types are permitted:

a. Outdoor Café Seating and Sidewalk Cafés.

1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:

- i. The outdoor seating area shall be limited in size as follows:

- (a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.
    - (b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment's indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.

- (4) **Parking.** No onstreet parking shall be utilized, and attendance shall be limited to a number which is accommodated by offstreet parking provided by the private school.
- (5) **Traffic.** The meeting or event shall not increase congestion of nearby streets to the extent that normal traffic circulation is significantly impeded.
- (6) **Noise.** The meeting or event shall not cause noise in excess of the applicable noise standards contained in the County Code of Regulatory Ordinances.

e. **Recycling of salvaged concrete, asphalt and rock.**

It has been recognized by the County of San Diego and the State of California that recycling of materials such as used concrete, asphalt and rock is essential to effective solid waste management and protection of public and private open space from illegal disposal of solid waste. Because of the high priority the public assigns to recycling of these materials, the following special procedure has been created to assist in the expansion of this activity in conjunction with related mining and processing land uses.

Persons having an approved Major Use Permit for a mining and processing land use, or having an established mining and processing land use that is legally nonconforming and located in a zone where it could be permitted by Major Use Permit, as of March 26, 1992, may apply for the Administrative Permit described below, provided the application and required fees have been submitted to the Department of Planning and Land Use not later than March 27, 1997.

In conjunction with mining and processing use types, where rock crushing, asphalt production and/or concrete batching are occurring, recycling and processing of salvaged concrete, asphalt and rock shall be a permitted accessory use upon issuance of an Administrative Permit, pursuant to the following:

- 1. A plot plan showing existing and proposed operations onsite shall be approved by the Director.
- 2. All proposed operations shall conform to the restrictions and conditions of the use permit regulating the project site, if one is present, except as otherwise specified herein.
- 3. No increase in the size of the mining and processing site shall be authorized by this permit.
- 4. Environmental review of the proposed accessory use shall be required, except that said review may be waived by the Director if it is determined that no additional traffic, noise, stockpiling of materials, or mechanical processing, at the site, is requested.

5. Upon determination pursuant to environmental review of no significant environmental impact, or that such impact(s) will be mitigated to below a level of significance, the following increases or changes in operational limitations may be authorized in connection with the recycling operation:
  - a) Additional average daily one-way truck trips up to 10 percent of the number authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 10 percent of the average daily one-way truck trips of the existing operation;
  - b) Additional onsite stockpiling of material of up to 25 percent of that authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 25 percent of the amount typical to the existing operation; and
  - c) Replacement or additional equipment, only as may be necessary to adapt the existing operation to the recycling function.

Any changes or increases in the existing authorized operations beyond those specified above shall require modification of the existing Major Use Permit or approval of a new Major Use Permit.

- f. A Drop-off Recycling Facility shall be permitted as an accessory use in all zones where Civic, Commercial, Industrial or Extractive Use Types are permitted.
- g. A Small Recycling Collection Facility shall be permitted as an accessory use in all zones where Civic Use Types are permitted.
- h. Columbarium with Religious Assembly.
  1. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon approval of a Major Use Permit for the Religious Assembly Use Type and the Columbarium in use regulations where a Major Use Permit is required for the Religious Assembly Use Type.
  2. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon approval of a Modification of the Major Use Permit that authorized the Religious Assembly Use Type.
  3. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon issuance of a Minor Use Permit in use regulations where a Religious Assembly Use Type is permitted by right, or by Site Plan approval.
- i. Storage of Emergency Supplies for Disaster Preparedness. The storage of emergency supplies for disaster preparedness shall comply with the following provisions:
  1. Storage shall be allowed on properties that are owned by the County of San Diego or other public agency.
  2. Storage area shall be secure and shall be in compliance with all applicable regulations of this Zoning Ordinance, including but not limited to Site Plan requirements (if applicable), setbacks and enclosure requirements.



3. Storage may be allowed within a cargo container which complies with the requirements of Section 6162.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
 (Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)  
 (Amended by Ord. No. 7692 (N.S.) adopted 11-29-89)  
 (Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)  
 (Amended by Ord. No. 9151 (N.S.) adopted 5-10-00)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 6160 MANUFACTURING AND INDUSTRIAL ZONES.

Single-family dwellings or a single mobilehome shall be permitted as follows in zones subject to the M50, M52, M54, M58, and S82 Use Regulations:

- a. Caretaker or Superintendent. On a lot or building site with a permitted industrial use, and occupied exclusively by a caretaker or superintendent of such industrial use and his family; or
- b. Farm Owner or Operator. On a lot or building site having a net area of at least 5 acres which is being farmed, and occupied exclusively by the owner or operator thereof; or
- c. Kennel Owner or Operator. On a lot or building site with a kennel, and occupied exclusively by the owner or operator thereof and his family.

#### 6162 CARGO CONTAINERS.

- a. No cargo container shall be allowed in any area designated as a Historic/Archaeological Landmark or District or an area designated as a Special Historic District, except as provided in Section d and e below.
- b. A cargo container may be allowed in areas zoned for residential and agricultural uses if it meets the following restrictions:
  1. It is located on property so as to comply with all building setbacks.
  2. It is only used for storage.
  3. There is a legal primary use on the property where it is located.
  4. There are no violations of the Zoning Ordinance or the San Diego County Code of Regulatory Ordinances on the property where it is located.

5. The exterior is painted a solid color pursuant to a list of colors approved by the Director and the color selected matches as closely as possible with the surrounding natural environment.
6. The square footage of the cargo container when added to the square footage of accessory structures on the property does not exceed the maximum allowable square footage for accessory structures under section 6156 g.
7. On sites where the primary use of the property is residential the following additional restrictions shall apply:
  - (i) A cargo container shall only be allowed if it is not visible from any roadway that runs along the parcel.
  - (ii) On sites of less than 2 acres of net lot area: (A) the footprint of a cargo container shall not exceed 320 square feet in area, (B) only one cargo container is allowed and (C) the total time the site can have a cargo container located on it during any 5 year period is 180 days.
- c. A cargo container may be allowed in areas zoned for commercial and industrial uses for storage purposes only if there is a legal primary use on the property where it is located and required parking is not impacted.
- d. Cargo containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit.
- e. Notwithstanding Section 6852, a cargo container that was lawfully on private property before April 18, 2007 may be allowed to continue as a nonconforming use for two years. This section shall not be construed to authorize any cargo container that was illegally placed, maintained or used before the effective date of this paragraph.
- f. Cargo containers are allowed on County-owned property and property owned by a public agency when used exclusively for the storage of emergency supplies for disaster preparedness, pursuant to Section 6158.i. Cargo containers must conform to the requirements of paragraph b.5, above.

(Added by Ord. No. 9844 (N.S.) adopted 4-18-07)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

- b. **Parking Areas in Planned Developments.** In planned developments, all open off-street parking areas shall be screened from view of nearby residents by hedges or other dense landscaping.
- c. **Open Sales, Display and Storage Areas.** All open sales, display and storage areas in the commercial zones and in zones subject to the M50, M52 and M54 Use Regulations shall be enclosed by a view-obscuring fence or wall not less than 72 inches high. This requirement shall not apply to the following commercial use types:
  - 1. Agricultural Sales (Retail nursery only)
  - 2. Automotive and Equipment: Cleaning
  - 3. Automotive and Equipment: Sales/Rental, Heavy Equipment
  - 4. Automotive and Equipment: Sales/Rental, Light Equipment
  - 5. Eating and Drinking Establishments
  - 6. Gasoline Sales provided that the use complies with Section 2980 - Limitation 12.
  - 7. Commercial uses in the C34, C35 or C36 Use Regulations pursuant to Section 6816.
- d. **Mobilehome Parks and Planned Developments With Mobilehomes.** Each mobilehome park and planned development containing mobilehomes shall be entirely enclosed at its exterior boundaries by a decorative, view-obscuring fence or wall, or by decorative screening or landscaping plants and/or materials; provided, however, that said fence, wall screening or landscaping when located within a front yard shall be constructed at or behind the required setback.
- e. **Scenic Areas.** In zones subject to the Scenic Area Regulations commencing at Section 5200, potentially unsightly features shall be screened from view by a view-obscuring fence or wall or by decorative screening or landscaping plants and/or materials in accordance with the provisions of an approved Site Plan.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

# 6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.

No fence, wall, gate or entry structure shall be permitted unless it conforms to the criteria set forth below, except that the Board of Supervisors, the Planning Commission, or the Director, as a condition of approval of a matter under their jurisdiction, may require that a fence, wall or entry structure be constructed to a height greater than otherwise permitted by this section in order to mitigate against potential adverse effects.

- a. Solid Fences and Walls. Solid fences and walls are permitted at the following locations provided they conform to the height limitations shown below. An exception to the height limitations may be granted in accordance with Sections 6708h or 6708i.
  1. Main Building Area. Permitted up to the maximum height applicable to the main building.
  2. Front or Exterior Side Yard. Permitted up to a maximum height of 42 inches.
  3. Rear or Interior Side Yards. Permitted up to a maximum height of 72 inches.
- b. Open Fences and Walls. Open fences and walls are permitted at the following locations provided they conform to the material specifications and height limitations shown below. An exception to the material specifications or the height limitations may be granted in accordance with Section 6708h. An exception to the height limitations may also be granted in accordance with Section 6708i.
  1. Main Building Area. Permitted up to the maximum height applicable to the main building.
  2. Front or Exterior Side Yard. Permitted up to a maximum height of 42 inches, except as follows:
 

On lots of one (1) gross acre or larger in size in the A70, A72, RR, S82, S88, S90 and S92 Use Regulations, open fences consisting of woven or barbed wire, wrought iron, pipe corral, or rails may be 72 inches high. Posts, pilasters or other support elements for such fences or walls shall not exceed 24 inches in any horizontal measurement, shall be spaced a minimum of 8 feet apart (edge to edge), and shall not exceed a height of 72 inches. Razor wire, and barbed wire attached to supports constructed at an angle to the vertical, are permitted only as a security measure for the purpose of protecting high-value agricultural uses, or commercial or industrial uses.

| Type of Occupancy, Use or Structure  | Required Parking and Bicycle Spaces   |
|--|---|
| <b>Offices*2</b><br><b>Retail Sales and Services*3</b><br><b>Personal Services</b><br><b>Eating and Drinking Establishments*6</b><br><b>Repair Services*4</b><br><b>Participant Sports and Recreation*5</b><br>(a) Indoor<br><b>Spectator Sports and Entertainment*5</b><br>(b) Limited<br>Located on one legal parcel with<br>a gross floor area (GFA) of:<br>Less than 25,000 square feet<br><br>25,000 to 250,000 square feet<br><br>Over 250,000 square feet | 5 Parking spaces per 1,000 sq. ft. of GFA. (200 sq. ft. of GFA per parking space.)<br>1.5 Bicycle spaces for every 10 parking spaces but not less than 3.<br><br>4.5 Parking spaces per 1,000 sq. ft. of GFA. (225 sq. ft. of GFA per parking space.)<br>1.5 Bicycle spaces for every 10 parking spaces but not less than 3.<br><br>4 Parking spaces per 1,000 sq. ft. GFA. (250 sq. ft. of GFA per parking space).<br>1 Bicycle space for every 10 parking spaces but not less than 3. |
| <b>Automotive and Equipment</b><br>Sales, Rental and Repair (all types)<br><b>Business Equipment</b><br>Sales and Service  | 3.3 Parking spaces for every 1,000 sq. ft. of GFA. (300 sq. ft. of GFA per parking space.)<br>1.5 Bicycle spaces for every 10 parking spaces.   |
| <b>Swap Meet</b>   | 6.5 Parking spaces for every 1,000 sq. ft. of selling area.   |

- (Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)  
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

## PARKING SCHEDULES

6766 PARKING REQUIREMENTS: **PUBLIC ASSEMBLY**

| Type of Occupancy, Use or Structure   | Required Parking and Bicycle Spaces  |
|---|--|
| <b>Public Assembly</b> (including, but not limited to, dance halls, mortuaries, auditoriums and such not named elsewhere)                                 | 1 Parking space for every 4 persons based on the total occupancy permitted by the Uniform Building Code.<br>1 Bicycle space for every 10 parking spaces. |
| <b>Participant Sports and Recreation</b> (all types), See Section 6762<br><b>Spectator Sports and Entertainment*1</b> (limited use type) See Section 6762 | 1 Parking space for every 3 persons based on the total occupancy permitted by the Uniform Building Code.   |
| <b>Spectator Sports and Entertainment*1</b> (general use type)  | 1 Parking space for every 3 persons permitted to occupy the premises.  |
| <b>Civic, Fraternal or Religious Assembly</b>   | 1 Parking space for every 4 persons based on the total occupancy of the largest assembly room permitted by the Uniform Building Code.                    |

\*1 Excluding theatres and dance halls.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## PARKING SCHEDULES

## 6770 PARKING REQUIREMENTS: EDUCATIONAL INSTITUTIONS - PUBLIC AND PRIVATE

| Type of Occupancy, Use or Structure   | Required Parking and Bicycle Spaces  |
|---|--|
| <b>Child Care and Small Schools</b>   | 1 Parking space for every 200 sq. ft. of GFA in commercial zones; or<br>1 Parking space for every 300 sq.ft. of GFA in industrial zones; or<br>1 Parking space for each employee in all other zones  |
| <b>Elementary *1</b>  | <b>The sum of the following:</b><br>1 Parking space for each employee.<br>5 Visitor parking spaces.<br>1 Bicycle space for every 4 students.   |
| <b>Junior High *1</b>   | <b>The sum of the following:</b><br>1 Parking space for each employee.<br>10 Visitor parking spaces.<br>1 Bicycle space for every 6 students.  |
| <b>Senior High *1</b>   | <b>The sum of the following:</b><br>1 Parking space for each employee.<br>1 Parking space for every 3 students in the 11th and 12th grades.<br>15 Visitor parking spaces.<br>1 Bicycle space for every 10 students.  |
| <b>Colleges and Universities *1</b><br>(education beyond the 12th grade)  | <b>The sum of the following:</b><br>1 Parking space for each employee.<br>1 Parking space for every 2 students<br>15 Visitor parking spaces.<br>1 Bicycle space for every 20 students.   |
| <b>Other Educational or Charitable</b><br><br>Institutions - offering instruction, training or learning opportunities. (When located in centers with 10,000 square feet of GFA or more and this use does not comprise more than 33% of the GFA, this section does not apply.) See section 6762. | <b>The sum of the following:</b><br>1 Parking space for each employee.<br>1 Bicycle space for every 10 pkg spaces.<br><b>Plus the greater of the following:</b><br>1 Parking space for every 2 students, trainees or participants, or<br>1 Parking space for every 300 square feet of GFA. |

\*1 Auditorium parking shall be provided in accordance with Section 6766, provided that the number of spaces required for the auditorium may be reduced by the number of spaces required by this Section, and by the number of spaces available for parking in playground areas.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)  
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

## PARKING SCHEDULES

6772 PARKING REQUIREMENTS: **MEDICAL CARE FACILITIES**

| <b>Type of Occupancy, Use or Structure</b>  | <b>Required Parking and Bicycle Spaces</b>  |
|---|---|
| <b>Hospitals</b> (acute, general)   | 1.75 Parking space for each bed of authorized capacity.<br>1 Bicycle space for every 20 parking spaces. |
| <b>Other Facilities</b> providing overnight medical care (other than general hospitals), including, but not limited to: psychiatric hospitals, skilled nursing facilities, intermediate care homes. | 1 Parking space for every 4 beds.   |

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## PARKING SCHEDULES

6778 PARKING REQUIREMENTS: **AGRICULTURAL, INDUSTRIAL, AND STORAGE**

| <b>Type of Occupancy, Use or Structure</b>   | <b>Required Parking and Bicycle Spaces</b>   |
|--|--|
| <b>Agricultural, Industrial, and Wholesale Storage</b><br>uses and buildings, except as specified elsewhere in this section.   | <b>The sum of the following:</b><br>1 Parking space for every 300 square feet of GFA.<br>1 Bicycle space for every 300 square feet of open space used for production operations.<br>1 Bicycle space for every 20 parking spaces. |
| <b>Barns and other Agricultural Buildings</b> subject to the RR, A70, A72, S80, S90, S92 and 94 Use Regulations;<br><b>Horticulture (all types);</b><br><b>Tree Crops, Row and Field Crops;</b><br><b>Animal Raising Use Types</b> | None Required.   |
| <b>Mini-Warehouse Use Type</b>   | <b>The sum of the following:</b><br>1 Paring space for every 300 square feet of area used for office or maintenance purposes.<br>2 Parking spaces for the caretaker's dwelling, if applicable.                                   |

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)



## 6904       EXPLOSIVE STORAGE.

All explosive storage shall comply with the following provisions.

- a.     Conformance to Federal and State Law. Explosive storage shall conform to all applicable provisions of federal and state law, including the tables of quantity and distance criteria, except where requirements of this section or conditions of the Major Use Permit are more stringent, in which case such requirements and conditions shall apply.
- b.     Location. The area in which explosive storage is proposed shall be open in character and essentially free of development.
- c.     Setbacks. Explosive storage shall not be located closer than 1,000 feet from any building or structure not on the same site as the explosive storage facility and which is used continuously or intermittently for human occupancy; except that storage in Class II magazines, as authorized in state law, shall not be located closer than 400 feet from any such building or structure.
- d.     Buffering. Explosives storage shall be effectively screened by a natural land form or artificial barricade either surrounding the entire site or surrounding each magazine located thereon, which land form or barricade shall be of such height that:
  1.     A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through said land form or barricade; and
  2.     A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a street traversable by the public will pass through said land form or barricade.

Artificial barricades shall be a mound or revetted wall of earth with a minimum thickness of 3 feet.

- e.     Time Limit. No Major Use Permit for storage of explosives shall be granted for a period exceeding 5 years, provided such Major Use Permit shall be subject to review by the Approving Authority at any time. As the result of such review, if said Approving Authority finds that circumstances or conditions have changed so that the use no longer meets the requirements of this section or the conditions of the Major Use Permit, said permit may be modified, or revoked, whichever is more appropriate.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**6905 FIRE PROTECTION AND LAW ENFORCEMENT SERVICES**

All fire protection services, and also law enforcement services in the A72 and S92 Use Regulations, shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

- a. **Site Plan Review Required.** Prior to the issuance of any building permit, grading plan or construction of any structure or conversion of any existing structure for use as a fire station, or in the A72 and S92 Use Regulations as a law enforcement station, a Site Plan of the proposed station shall be submitted to the Director for review and evaluation.
- b. **Content of the Site Plan.** Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:
  - 1. Boundaries and existing topography of the property, and adjoining or nearby streets;
  - 2. Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;
  - 3. Location, height, building elevations, and proposed use of all proposed or existing structures, including walls, fences and freestanding signs, and location and extent of the building site;
  - 4. Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;
  - 5. Location and treatment of important drainageways, including underground drainage systems;
  - 6. Proposed grading and removal of natural materials, including finished topography of the site;
  - 7. Proposed landscaping plan including location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps.
- c. **Site Plan Review Criteria.** The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

1. All elements of the proposed fire protection or law enforcement services are consistent with the intent and purpose and meet the requirements of this section and applicable zone requirements.
2. Buildings and structures will be so located on the site as to create a generally attractive appearance and be agreeably related to surrounding development and the natural environment.
3. Insofar as is feasible, natural topography and scenic features of the site will be retained and incorporated into the proposed development.
4. Any grading or earth-moving operations in connection with the proposed station are planned and will be executed so as to blend with the existing terrain both on and adjacent to the site.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

#### 6906 REQUIREMENTS FOR FARM LABOR CAMPS.

- a. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval of the Minor Use Permit the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
- b. Farm labor camp housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm labor camp housing.
- c. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602 d.7, prior to the submittal of the Minor Use Permit application the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
- d. Prior to submitting an application for a building permit for a farm labor camp project, the property owner shall enter into a contract with the County agreeing to specific terms and conditions. The form of the contract shall have been approved by the Board of Supervisors.

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- e. Evidence of Commercial Agriculture. Prior to approval of the Minor Use Permit for a Farm Labor Camp the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.
- f. On an annual basis, the property owner shall file a certificate with the Director of Planning and Land Use stating that the Commercial Agricultural operation to which the housing is related is still active and that the tenants are employed as Farm Employees. Failure to file the certificate will indicate the Commercial Agriculture has ceased.

(Added by Ord. No. 7768 (N.S.) adopted 6-13-90)

(Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)

(Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)

(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)

(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

#### 6907 CREMATORIUMS.

Crematoriums shall comply with the following provisions:

- a. Separation Requirement. In any zone where the Funeral and Interment Services: Cremating use type is permitted, or within any cemetery, no use permit for a crematorium use shall be approved if said use is within 650 feet of:
  - 1. Any lot or parcel upon which one or more residences are the primary use at the time of initial application for the use permit for a crematorium,
  - 2. Any residential use regulations, or
  - 3. Any school or public playground, park or recreational area.

This 650 foot distance, without regard to intervening structures, shall be measured as a straight line from the closest exterior structural wall of a crematorium to the closest property line of a residence which is a primary use, area zoned with residential use regulations, or school, public playground, park or recreational area. A Variance may be granted from this separation requirement pursuant to the Variance Procedure commencing at Section 7100.

This separation requirement shall not apply to a subsequent application for modification of a previously approved and still valid crematorium use permit, unless said modification would enlarge the outside dimensions of the building(s) and/or structures housing the crematory operation.

Application of this separation requirement shall be at the discretion of the approving authority when rendering a decision on a Major Use Permit for a crematorium, the building permit application for which was on file with the County prior to the effective date of this Section.

- b. Exception to Section 1019. Notwithstanding Section 1019, no application for a building permit for a Funeral and Interment Services: Cremating use type shall be accepted or approved where the proposed use or facility would violate Section 2545(b) or Section 2585(b).

(Added by Ord. No. 8318 (N.S.) adopted 10-27-93)

#### 6908 COLUMBARIA

Additional Standards for Columbaria. Before any Major Use Permit or Minor Use Permit for a Columbarium may be granted or modified, in addition to the findings required by Section 7358, it shall be found that the Columbarium will be located upon land owned in fee interest by the operator of the associated Religious Assembly Use Type.

(Added by Ord. No. 9151 (N.S.) adopted 5-10-00)

#### 6909 MINI-WAREHOUSES.

All Mini-Warehouses shall comply with the following provisions:

- a. Commercial Uses Not Allowed. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business or service use.
- b. Size and Uses. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of 400 square feet and shall not be used for workshops, hobbyshops, manufacturing or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials.
- c. Driveways. Driveways between mini-warehouse buildings on the same site shall have a minimum width of 24 feet to accommodate the temporary parking of vehicles during loading and unloading operations.
- d. Mini-Warehouses in Residential Areas. In areas where mini-warehouses are permitted upon issuance of a Major Use Permit under the residential use regulations, they may only be located on relatively flat parcels of land of not less than 1 acre and not greater than 5 acres where any portion of such parcels are on the periphery of residential areas impacted by noise levels from adjacent roads in excess of 60 CNEL.
- e. Enclosure Regulations. The Enclosure Regulations to the contrary notwithstanding, open storage of boats and/or recreational vehicles, may be permitted as an accessory use in connection with a major use permit for a mini-warehouse.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

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6910 BOUTIQUE WINERIES

- a. An Administrative Permit for a Packing and Processing: Boutique Winery may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
  1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - i. Harmony in scale, bulk, coverage and density;
    - ii. The availability of public facilities, services and utilities;
    - iii. The harmful effect, if any, upon desirable neighborhood character;
    - iv. The generation of traffic and the capacity and physical character of surrounding streets;
    - v. The suitability of the site for the type and intensity of use or development which is proposed; and to
    - vi. Any other relevant impact of the proposed use; and
  2. That the impacts, as described in paragraph "1" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and
  3. That the requirements of the California Environmental Quality Act have been complied with.
- b. Notice shall be given to owners of property within 300 feet of the exterior boundaries of the proposed Boutique Winery and a minimum of 20 different owners pursuant to Section 7060c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.

(Added by Ord. No. 9940 (N.S.) adopted 6-18-08)

6920 COTTAGE INDUSTRIES.

- a. Purpose and Intent. The purpose and intent of this Section is to provide a means for establishing certain limited commercial and industrial uses to provide products and services to rural areas which are not currently zoned commercial or industrial but would benefit from the application of such limited commercial and industrial uses. Furthermore, it is intended that these limited commercial and industrial uses be used in conjunction with a dwelling and that said uses, although more extensive than home occupations, do not significantly alter or disturb the residential or rural nature of the premises or the surrounding community.

b. Permit.

1. Cottage Industries are permitted, upon issuance of a Minor Use Permit, only in the A70, A72, S87, S90 and S92 Use Regulations, and in the RR Use Regulations on parcels of four acres gross or larger.
2. A Minor Use Permit for a Cottage Industry shall be granted for seven years, unless the Director determines that a shorter period is more appropriate to insure conformance with the intent and standards of this section or other applicable requirements. Any person holding an unexpired Minor Use Permit for a cottage industry may apply for a modification pursuant to Section 7378 to extend its expiration date. The expiration date of any unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991 shall, however, be automatically extended by operation of Ordinance No. 7964 (N.S.) to September 13, 1998.
3. The Director, in acting on an unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991, shall not apply the 1,000 square foot maximum floor area standard specified in Section 6920d.4. below. The maximum floor area applicable to an unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991 shall be the square footage authorized and constructed prior to September 13, 1991.

c. General Standard. The particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings.

d. Specific Standards. Cottage Industries shall conform to the following requirements:

1. The Cottage Industry shall be a secondary use of a parcel containing a dwelling occupied as the principal residence of the owner or operator of the Cottage Industry.
2. The use shall be conducted entirely within a dwelling, garage, or accessory building which retains the appearance of buildings normally associated with dwellings.
3. Dwellings or garages modified in conjunction with this use shall, on sides adjacent to streets, retain the appearance of a single detached dwelling and garage. The required number of off-street parking spaces shall be maintained.

4. The maximum floor area devoted to the use shall not exceed 1,000 square feet.
  5. Not more than 3 persons may be employed on the premises in addition to the members of a single family residing on the premises.
  6. No on-premise signs or advertising is permitted except as permitted for home occupations (one sign not exceeding 2 square feet in area displaying the name and occupation of the occupant).
  7. No Cottage Industry may be owned, operated, managed, or leased by any person within one mile of any other Cottage Industry owned, operated, managed, or leased by the same person.
  8. The Cottage Industry shall conform to the Performance Standards for the applicable use regulations. (See Section 6300)
  9. Production of goods shall be by hand manufacturing methods which involve the use of hand tools or mechanical equipment not exceeding the use of five horse power at any one time, or a single kiln not exceeding 8 cubic feet in volume. The applicant shall provide a description, including horsepower ratings, of all power tools intended to be utilized.
  10. Incidental direct sale to consumers of only those goods produced on site may be permitted subject to any limitations specified by the Minor Use Permit.
- e. Decision. If the officer or body having jurisdiction over a permit for a Cottage Industry determines that a particular use does not comply with all applicable regulations or that the permit cannot be conditioned by adequate requirements to ensure compliance with all applicable regulations, the permit shall be denied.

(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
 (Amended by Ord. No. 6195 (N.S.) adopted 12-2-81)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
 (Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



## PART SEVEN: PROCEDURES

### GENERAL PROVISIONS:

#### 7000 TITLE.

The provisions of Section 7000 through Section 7999, inclusive, shall be known as the Procedures.

#### 7005 PURPOSE AND INTENT.

The purpose of these provisions is to provide procedures for processing applications and administering the requirements of the Zoning Ordinance. The intent is to provide flexibility to achieve good and appropriate development while providing certainty to landowners and other members of the public that the public health, safety and welfare will be protected.

(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

#### 7007 DECISION OF DENIAL FOR VIOLATION CASES.

The decision-making authority as defined by the respective permit type procedures herein shall have the discretion to deny a Use Permit, Administrative Permit, Site Plan, or Variance when there is an existing violation of any County Ordinance which the decision-making authority determines is related to the Use Permit, Administrative Permit, Site Plan, or Variance that is being sought.

(Added by Ord. No. 9690 (N.S.) adopted 12-15-04)

#### 7010 APPLICABILITY.

The Procedures shall apply in all zones unless otherwise provided.

#### 7015 CITIZEN ADVISORY BOARD REVIEW.

Notwithstanding any other provision of The Zoning Ordinance, where a decision-making authority is required to consider the action or recommendation of any citizen advisory board prior to making any decision as required by The Zoning Ordinance, the decision-making authority may act without such action or recommendation under any of the following circumstances:

1. Where an advisory board which has not conducted an initial meeting has not provided a recommendation within the time limitations of applicable sections of this Ordinance, or within 60 days, whichever is less, commencing from the date the Director transmits the application to a duly appointed advisory board member;
2. Where an advisory board previously established by the Board of Supervisors has subsequently been disestablished by the Board of Supervisors; or
3. Where an advisory board which has conducted an initial meeting has not provided a recommendation within the time limitation of applicable sections of The Zoning Ordinance.

7015

When circumstances under 1. or 2. above involve a citizen advisory board other than a community planning or sponsor group, the Director shall distribute the application to the appropriate community planning or sponsor group. The decision-making body shall consider the recommendation, if any, of said planning or sponsor group which is received within the time limitations of applicable sections of The Zoning Ordinance, or within 60 days, whichever is less.

(Added by Ord. No. 8451 (N.S.) adopted 9-21-94)

**7017                    APPLICATIONS TO BE SIGNED BY PROPERTY OWNERS**

Any application which is authorized to be filed by the property owner pursuant to these procedures shall be signed by all owner(s) of the property subject to the application, or the authorized agent(s) of the owner(s). The applicant shall provide proof satisfactory to the Director, of the ownership of the property and the authority of the agent(s) to sign on behalf of the owner(s).

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

**7019                    PERMITS AND APPROVALS TO BE RECORDED AND PROVIDE  
CONSTRUCTIVE NOTICE**

When the approval of any Administrative Permit, Variance, Site Plan, or Use Permit, or a modification to or minor deviation from any of the foregoing, has become final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The document to be recorded shall set forth the names of all owners of the property subject to the Administrative Permit, Variance, Site Plan, or Use Permit. The recorded document shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by the Administrative Permit, Variance, Site Plan, or Use Permit.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

## ADMINISTRATIVE PERMIT PROCEDURE

### 7050 TITLE AND PURPOSE.

The provisions of Section 7050 through Section 7099, inclusive, shall be known as the Administrative Permit Procedure. The purpose of these provisions is to provide for the issuance of Administrative Permits.

### 7052 APPLICABILITY.

The Administrative Permit Procedure shall be followed when an application for an Administrative Permit has been filed as required by The Zoning Ordinance.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

### 7054 JURISDICTION: ADMINISTERING AGENCY.

The Administrative Permit Procedure shall be under the jurisdiction of the administering agency. The Director shall be the administering agency except where another officer or body is authorized by ordinance to grant Administrative Permits in designated situations or for particular purposes.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

### 7056 APPLICATION FOR AN ADMINISTRATIVE PERMIT.

An application for an Administrative Permit or modification thereof shall be made to the administering agency on such forms and containing such information as is prescribed by him or her, shall be signed by all owner(s) of the property to which it applies, or the agent(s) of such owner(s), and shall be accompanied by the fee, if any, fixed pursuant to Section 7602.

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

### 7057 RELATIONSHIP TO OTHER APPLICATIONS.

When an application for granting or modifying an Administrative Permit is submitted concurrently with an application for a subdivision map, use permit, variance, or zone reclassification related to the same property, the administrative permit shall be under the jurisdiction of the officer or body having jurisdiction over the subdivision map, use permit, variance, or zone reclassification, and shall be reviewed and decided concurrently with such other application. A use permit may include authorization for any use, structure, or action for which an Administrative Permit is required, in which case no Administrative Permit is required.

(Added by Ord. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)

7058

7058 REVIEW AND EVALUATION.

The administering agency shall review and evaluate Administrative Permit applications for conformance with the standards and criteria set forth in the pertinent sections of The Zoning Ordinance, and its review and evaluation shall not exceed the scope of said standards and criteria.

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)

7060 DECISION AND NOTICE.

- a. Action. Upon completion of his review and evaluation of an application for an Administrative Permit, the administering agency shall either:
  1. Make such findings or other determination as is required by the pertinent sections of The Zoning Ordinance and approve the application, or
  2. Notify the applicant of the changes and modifications required for approval of the application, or
  3. Deny the Administrative Permit. The administrative agency shall deny the permit if:
    - i. The permit cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or
    - ii. The application for the permit cannot reasonably be modified to conform to the applicable requirements.
- b. Time Period. Within 60 days of receipt of a complete application for an administrative permit, the administering agency shall take such action as is specified in subsection a. of this section. The 60 day time period may be extended with the written consent of the applicant. Such application shall be deemed complete pursuant to Section 65943 of the Government Code, 30 days after submittal to the Department unless, prior to that date, either:
  1. The applicant is notified in writing that the application is complete, in which case the 60 day processing period specified in this subsection shall begin to run from the date of such written notice, or
  2. The applicant is notified in writing that the application is incomplete, which notice shall state with particularity the defects or omissions in the application, in which case the 60 day processing period specified in this subsection shall not begin to run until the date all requested information has been submitted to the Department.

**7076 ADMINISTRATIVE PERMITS TO BE RECORDED AND PROVIDE  
CONSTRUCTIVE NOTICE**

Upon the approval of an administrative permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The administrative permit to be recorded shall set forth the names of all owners of the property subject to the administrative permit. The recording of an administrative permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the use permit, of the rights and obligations created by the administrative permit.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

**7078 AUTOMATIC REVOCATION OF AN ADMINISTRATIVE PERMIT.**

If an administrative permit is granted or modified subject to one or more conditions, such administrative permit shall cease to be valid, and all rights or privileges granted thereby shall lapse, notwithstanding any other provisions of the Zoning Ordinance to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

**7080 FORMER SIGN PERMITS AS ADMINISTRATIVE PERMITS.**

Sign permits granted pursuant to Ordinance 1402 (New Series) as amended shall be deemed to be administrative permits subject to the Administrative Permit Procedure, and may be modified or revoked as administrative permits.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)



## VARIANCE PROCEDURE

### 7100 INTENT AND PURPOSE.

The provisions of Section 7100 through Section 7149, inclusive, shall be known as the Variance Procedure. A Variance may be granted when practical difficulties, unnecessary hardship or results inconsistent with the general purposes of the Zoning Ordinance would result from the literal enforcement of its requirements. A Variance may be granted to allow the following:

- a. Animal Enclosure Setbacks. A modification of animal enclosure setbacks as set forth in Section 3112;
- b. Development Regulations. A modification of the Development Regulations commencing with Section 4000 except for the Building Type Regulations commencing with Section 4300, and except for the Height Regulations commencing with Section 4600 on properties subject to the R and S Special Area Regulations in the Coastal Zone;
- c. Coastal Development Area Regulations. Repealed.
- d. Selected General Regulations. A modification of the Fencing and Landscaping Regulations, the Off-Street Parking and Loading Regulations and the provisions of the Nonconforming Use Regulations dealing with the expansion, extension, alteration, or relocation of nonconforming buildings; and,
- e. Other Regulations. A modification of other regulations in the Zoning Ordinance provided that such regulations expressly provide for the granting of a Variance.

A Variance shall not be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and subject to the same regulations; nor shall a Variance be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the regulations governing the property.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
 (Amended by Ord. No. 7008 (N.S.) adopted 8-7-85)  
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

### 7102 CLASSIFICATION OF VARIANCES AND ORIGINAL JURISDICTION.

Variances shall be classified according to the circumstances of their submission and original jurisdiction shall be exercised over them as follows:

- a. **Concurrent Variance.** When an application for granting or modifying a Variance is submitted concurrently with an application for granting or modifying a use permit or subdivision map, said Variance would be incidental and necessary to said use permit or subdivision map, the Variance shall be designated as a concurrent Variance and the application shall be under the original jurisdiction of the body having authority over the use permit or subdivision map and subject to the same procedures.
- b. **Coastal Variance.** Repealed.
- c. **Regular Variance.** All other Variances shall be designated as regular Variances and applications for their granting or modification shall be under the jurisdiction of the Director.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

#### 7104 APPLICATION FOR THE GRANTING OF A VARIANCE.

An application for the granting of a Variance shall be made as follows:

- a. **Persons Eligible.** The following persons shall be eligible to apply for the granting of a Variance:
  - 1. A property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
  - 2. A lessee, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
  - 3. A person authorized to exercise the power of eminent domain.
- b. **Required Documents.** The application shall be accompanied by the following documents:
  - 1. A list of names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provisions is a corporation or partnership, the names of all persons owning more than 10 percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provisions is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
  - 2. Complete plans and description of the property involved and the proposed Variance.



3. Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with requested variance within 6 months after it is granted.
  4. The appropriate Environmental Impact Review document, as provided by Section 7610.
- c. Application Form, Filing and Fee. The application shall be made on the prescribed form and shall be filed with whomever has jurisdiction as provided by Section 7102, and shall be accompanied by the fee referenced in Section 7602.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 7105 HEARING AND NOTICE.

- a. All actions for the revocation or modification of a Variance for cause shall be heard at a public hearing scheduled and noticed as required by Section 7603 and 7605, respectively.
- b. All applications for the granting or modification of a regular Variance, other than those subject to Section 7106, shall be acted upon as follows: Immediately upon determining that the application is complete, the Director shall provide notice of receipt of the application in the manner required by Section 7605.b; said notice shall indicate that the Director will make a decision on the application without holding a public hearing unless one is requested, and will consider any written comments interested persons desire to submit. The notice shall state that a request for hearing or written comments must be received by the Director no later than 10 days after the date the notice was given. In the event a request for public hearing is received, a public hearing shall be scheduled, conducted and noticed as required by Sections 7603 through 7607. If no request for hearing is received, the Director shall consider the application together with any written comments received and take action pursuant to Section 7108.

(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

(Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)

(Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)

#### 7106 HEARING AND NOTICE NOT REQUIRED.

The Director may, without hearing or notice, grant a regular Variance meeting all other requirements of The Zoning Ordinance and the following additional requirements:

7106

- a. Maximum Reduction. The requested Variance shall not exceed a 25 percent reduction in the applicable minimum lot size regulations, a 50 percent reduction in the applicable setback regulations, as measured from property line, or street line, and a 75 percent increase in the applicable fence height requirements.
- b. Consent of Adjacent Property Owners. The application for the requested Variance shall include written consent to the granting of the requested Variance signed by the owner or owners of each lot or parcel adjoining the site of the proposed building or structure and the owner or owners of land across any street or alley from such site.
- c. Reapplication. In the event the Director declines to grant a regular Variance requested pursuant to this Section, the applicant may, within 60 days after applying for such Variance, request that the Variance be scheduled for public hearing in accordance with Sections 7104 and 7105. The applicant shall pay an additional fee in an amount consisting of the difference between the fee specified in Section 7104 and that already paid.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

#### 7107 FINDINGS REQUIRED.

Before any variance may be granted or modified, all of the following shall be found:

- a. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that do not apply generally to property in the same vicinity and under identical zoning classification;
- b. That, because of those special circumstances, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- c. That granting the variance or its modification is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- d. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification;
- e. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located; and
- f. That granting the variance or its modification will not be incompatible with the San Diego County General Plan.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

- b. **Persons Authorized to Appeal.** No person may appeal except the applicant for the granting or modification of a Variance, a County officer or body acting pursuant to paragraph "c" of this Section, and those persons who protest the granting, revocation, or modification of a Variance either by written protest filed in the office of the Planning Commission, or the Director, whoever has jurisdiction over the Variance, prior to the time of the hearing or consideration of the matter by said authority; or by appearing and protesting the granting, revocation or modification of the Variance at the hearing or consideration of the matter by said authority.
- c. **County Officer May Appeal.** Notwithstanding any other provision of this Ordinance, any County officer, Board, Commission or other County body, other than the authority having jurisdiction over the appeal, may appeal a decision of the Planning Commission, or the Director pursuant to Section 7108, without fee.
- d. **Manner and Time of Filing.** An appeal shall be in writing, shall be accompanied by the fee referenced in Section 7602, and shall be filed within ten days following the decision, as provided in Section 7112, in the office of the Planning Commission, or Director, whoever rendered the decision.
- e. **Effect of Filing the Appeal.** An appeal of a decision within the time specified in paragraph "d" of this Section shall stay the proceedings and effective date of the decision of the Planning Commission, or Director as provided by Section 7112, until such time as the appeal has been acted on as hereinafter set forth in the Ordinance.
- f. **Public Hearing.** Following the filing of an appeal, the authority having appellate jurisdiction shall hold a public hearing on the matter scheduled and noticed as required by Sections 7603 and 7605, respectively. The public hearing shall be a hearing de novo and all interested persons may appeal and present evidence.
- g. **Decision and Notice.** Following the hearing on an appeal, the authority having the appellate jurisdiction may sustain the decision which is being appealed; or may grant or modify the Variance subject to specified conditions it imposes pursuant to Section 7110; or may revoke or deny the Variance, as is appropriate. The authority shall adopt findings, which specify all facts relied upon by it in reaching its decision and their relation to the requirements of Section 7107, and which state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the

appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the Planning Commission's, or Director's file in the matter and said file returned to the Planning Commission, or Director, whoever rendered the decision which was appealed.

- h. **Finality and Effective Date.** Subject to the provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the authority having jurisdiction over an appeal shall be final, conclusive, and effective immediately.
- i. **No Decision Reached.** Whenever an authority holds a hearing on an appeal from a decision of the Planning Commission, or the Director and thereafter fails to reach a decision because a motion on the item failed to carry by the required vote, the secretary of the authority shall set the matter for a noticed public hearing de novo if such hearing is requested by the authority. Such request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision of the Planning Commission, or the Director from which the appeal has been taken shall be deemed sustained.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 7979 (N.S.) adopted 10-02-91)  
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
 (Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)  
 (Amended by Ord. No. 9548 (N.S.) adopted 4-9-03)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

#### 7116 VARIANCES TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE

Upon the approval of a variance becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The variance to be recorded shall set forth the names of all owners of the property subject to the variance. The recording of a variance shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the variance, of the rights and obligations created by the variance.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 7118 NUISANCE.

The granting or modification of a Variance pursuant to these provisions shall not authorize or legalize the maintenance of any private or public nuisance.

#### 7120 DISCONTINUANCE.

Each Variance granted pursuant to these provisions shall expire and become null and void at the expiration of one year after the purpose for which it was granted shall be been discontinued or abandoned.

## SITE PLAN REVIEW PROCEDURE

### 7150 TITLE AND PURPOSE.

The provisions of Section 7150 through Section 7199 shall be known as the Site Plan Review Procedure. The purpose of these provisions is to provide a review procedure for development proposals which is concerned with physical design, siting, interior vehicular and pedestrian access, and the interrelationship of these elements. Approval of a Site Plan does not authorize any use not otherwise permitted by this Ordinance.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

### 7152 APPLICABILITY.

The Site Plan Review Procedure shall be followed when an application for a Site Plan has been filed as required by The Zoning Ordinance.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

### 7154 JURISDICTION.

The Director shall be responsible for administering the Site Plan Review Procedure and for reviewing and evaluating of all Site Plans submitted pursuant to this procedure.

### 7155 APPLICATION

An application for a Site Plan or modification thereof shall be signed by all property owner(s) or agent(s) as provided in Section 7017, and shall be made to the administering agency on such forms and containing such information as is prescribed by him or her, and shall be accompanied by the fee, if any, fixed pursuant to Section 7602.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

### 7156 WAIVER OF SITE PLAN.

- a. The Director may waive the requirement for a Site Plan if he finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit; or
- b. Where the Director finds the proposed development or improvement is minor in nature and the public purpose for which the Site Plan would normally be required will not be harmed by waiver of said requirement. This subsection "b" shall not apply to land falling within the coastal zone, as defined by the California Coastal Act of 1976.
- c. Waiver of a Site Plan does not constitute a waiver of any other requirement of this Zoning Ordinance or any other law, ordinance or other regulation applicable to the project.

No building permit shall be issued for a project for which the Site Plan requirement has been waived except pursuant to plans bearing the Director's stamp granting such waiver. No deviation from aspects of such plans pertinent to the purposes for which a Site Plan review would otherwise have been required shall be permitted without prior approval of the Director.

This Section shall not apply to those Site Plans required by a special area regulations designator where there are specific waiver criteria established under the special area regulations designator sections.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6655 (N.S.) adopted 9-28-83)  
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)  
 (Amended by Ord. No. 8105 (N.S.) adopted 7-15-92)  
 (Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 7157 TRANSMITTAL TO OTHER AGENCIES.

Whenever an agency or board is required by this Ordinance to review a Site Plan submitted to the Director, the Director shall forward a copy of the application and accompanying plans, maps and diagrams to the appropriate agency or board within five working days after receiving a complete Site Plan application. In the case of Site Plans pursuant to the Community Design Review Area Regulations, each member of the applicable Community Design Review Board shall receive a copy of the project plans. The agency or board shall review the application and make its recommendations thereon to the Director. The Director shall not make a decision with respect to the Site Plan until he has considered the report and recommendation of the agency or board. Citizen Advisory Boards shall review and make recommendations within 21 days of receipt of said application unless no meeting is held within that time frame. If no recommendation is received within 45 days after transmitting the application to the agency or board, the Director may make a decision without the agency or board's recommendation. The Director may make a decision after 35 days, if the Director has either received recommendations from all agencies, boards and planning or sponsor groups to whom notice has been sent, or has been informed by said agencies, boards and/or planning or sponsor groups, that they will not be making recommendations. The Director shall transmit a copy of his decision to the agency or board at the time the decision is made.

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)  
 (Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)  
 (Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

#### 7158 REVIEW AND EVALUATION.

The Director shall review and evaluate Site Plans submitted to him in accordance with the following guidelines:

- a. Scope. The Director shall review and evaluate Site Plans for conformance with the Site Plan review standards and criteria set forth in the pertinent sections of The Zoning Ordinance, and his review and evaluation of the Site Plan shall not exceed the scope of said standards and criteria.

- b. **Modifications Required For Approval of the Site Plan.** The Director may specify modifications, changes, and additions to the Site Plan which are required for its approval. The modifications, changes, and additions shall not exceed the scope of the Site Plan review standards and criteria set forth in the pertinent sections of The Zoning Ordinance, nor shall they alter or vary the requirements of those pertinent sections of The Zoning Ordinance otherwise applicable to the development proposal. However, such standards and criteria and requirements may be modified or changed as specified by the Director to eliminate or mitigate significant adverse environmental effects disclosed by an environmental impact report.
- c. **Improvements Required for Approval of the Site Plan.** The Director shall ensure that all Site Plans provide for on- and off-site improvements which may be required by the Site Plan review standards and criteria set forth in pertinent sections of The Zoning Ordinance. Such requirements for improvements may be modified as provided by subsection "b" of this section. The Director may require the applicant to enter into an agreement to provide such improvements and this agreement shall be accompanied by a completion bond as provided by Section 7613.
- d. **Waiver of Standards and Criteria.** The Director may waive those standards and criteria prescribed for the review and evaluation of a site plan which he finds have been or will be fulfilled by condition or conditions of a Use Permit or Variance.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

#### 7160 FINDINGS REQUIRED.

Prior to approving a site plan the Director shall find:

- a. **Standards and Criteria.** That the proposed development meets the intent and specific standards and criteria prescribed in pertinent sections of the Zoning Ordinance.
- b. **General Plan.** That the proposed development is compatible with the San Diego County General Plan; and
- c. **Waiver of Standards or Criteria.** That any applicable standards or criteria waived by the Director pursuant to Section 7158.d have been or will be fulfilled by the condition or conditions of a Use Permit or Variance.

#### 7162 DECISION AND NOTICE.

- a. **Action.** Upon completion of review and evaluation of a site plan, the Director shall either:
  - 1. Make such findings as are required by Section 7160 and approve the Site Plan, or
  - 2. Notify the applicant of those changes and modifications required for approval of the Site Plan, or

3. Deny the Site Plan if the Director finds that:
  - i. The Site Plan cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or
  - ii. The Site Plan cannot reasonably be modified to conform to the applicable requirements.
- b. Time Period. Within 60 days of receipt of a complete application for Site Plan review, the Director shall act as provided in subsection "a". The 60 day period may be extended with the written consent of the applicant. Failure of the Director to act within the specified time period or extension thereof, shall not affect the validity of the Director's decision.
- c. Effective Date. All decisions of the Director made pursuant to this Section 7162 shall become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed as provided by Section 7166.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

#### 7164 CONDITIONS.

Site Plans may be approved or modified subject to the performance of such conditions, including the provision of required improvements as the Director shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of The Zoning Ordinance shall be achieved. Such conditions shall be imposed and enforced as follows:

- a. Security May Be Required to Insure Performance. In order to insure the performance of conditions imposed concurrent with the granting or modification of a Site Plan, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting or modifying the Site Plan. Such security shall be furnished as required by Section 7612.
- b. Provision of Required Improvements. Whenever a Site Plan is granted or modified subject to the condition that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the cognizant county authority, the applicant shall execute an agreement with the cognizant county authority pursuant to Section 7613 to make such improvements prior to the time or events specified in the Site Plan.
- c. Condition Declared Void. Whenever there becomes final any judgement of a court of competent jurisdiction declaring one or more of the conditions of a Site Plan approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation or one or more of such conditions, said Site Plan approval shall cease to be valid and all rights or privileges granted thereby shall lapse, as provided by Section 7174.



- d. Violation of Condition. Whenever a Site Plan, is approved or modified subject to a condition or conditions, use or enjoyment of the Site Plan in violation of or without observance of any such condition shall constitute a violation of the Zoning Ordinance and said Site Plan may be revoked or modified as provided in Section 7172.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

#### 7166 APPEAL.

A decision of the Director pursuant to Section 7162, 7169 or 7172 may be appealed as follows:

- a. Persons Eligible. The following persons shall be eligible to file an appeal:
  - 1. A person having an interest in the property that is the subject of the decision being appealed (hereinafter subject property).
  - 2. A person having an interest in property located within 300 feet of the exterior boundaries of the subject property.
  - 3. A person not having an interest in property located within 300 feet from exterior boundaries of the subject property, who after written petition to the Planning Commission, receives permission to file an appeal. The decision of the Planning Commission on a petition requesting permission to appeal shall be made without hearing and shall be final.
  - 4. A County Officer, Board, Commission, or other County body other than the authority having jurisdiction over the appeal. County citizen advisory groups authorized to review Site Plans for the Community Design Review ("B" Designator), the Historic/ Archaeological Landmark or District ("H" Designator), and the Specific Historic District ("J" Designator), Special Area Regulations shall only be eligible to file appeals involving those Site Plan applications over which they have review jurisdiction.
- b. Timeliness. An appeal of application for permission to appeal, shall be filed within 10 days of the date on which the decision being appealed was rendered.
- c. Form, Filing and Fee. An appeal shall be in writing accompanied by the fee prescribed pursuant to Section 7602, and shall be filed in the office of the Director.
- d. Effect of Filing and Appeal. An appeal of a decision, or application for permission to appeal, within the time specified in paragraph "b" of this Section shall stay the proceedings in furtherance of the decision appealed and no building permit, or other permit shall be issued until such time as the appeal has been acted on as set forth in this Section.
- e. Forwarding of Record. On the filing of an appeal, the Director shall transfer to the Secretary of the Planning Commission the subject documents and papers on file pertinent to the decision, together with a report of the decision.

- f. **Public Hearing.** The Planning Commission shall hold a public hearing on the appeal, scheduled and noticed as required by Section 7603 and 7605, respectively.
- g. **Decision and Notice.** Following the hearing on an appeal, the Planning Commission may sustain the decision of the Director; or may approve or modify the site plan subject to specified conditions it imposes pursuant to Section 7164; or may revoke or deny the Site Plan, as is appropriate. The Planning Commission shall adopt findings which specify all facts relied upon it in reaching its decision and their relation to the requirements of Section 7160, and which state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the file in the manner and said file returned to the Director.
- h. **Effective Date.** The decision of the Planning Commission shall be final and effective immediately except as follows:
  - 1. The decision on a Site Plan filed as a requirement of a Specific Plan may be appealed to the Board of Supervisors in the same manner as a decision of the Planning Commission on a Major Use Permit is appealed.
  - 2. When the Director's decision and the decision of the Planning Commission are not the same, a Site Plan filed as a requirement of a Specific Plan shall be forwarded to the Board of Supervisors for final action.
  - 3. Where an appeal of a environmental determination is filed, the procedures specified in Chapter 4 (commencing with Section 86.401 of Division 6 of Title 8 of the San Diego County Code shall be followed.

(Amended by Ord. No. 5329 (N.S.) adopted 12-13-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6781 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 7979 (N.S.) adopted 10-02-91)

(Amended by Ord. No. 8199 (N.S.) adopted 1-13-93)

(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)

(Amended by Ord. No. 9548 (N.S.) adopted 4-9-03)

7168                    EXPIRATION AND EXTENSION.

- a. Any approval of a Site Plan shall expire within two years of such approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration. Any Minor Deviation pursuant to Section 7609, or any modification pursuant to Section 7169, shall not extend the expiration and extension dates otherwise specified in this section.
- b. If prior to the expiration of such Site Plan the applicant files a written application with the Department of Planning and Land Use for an extension of time, the period within which construction or use of the property in reliance on the Site Plan must be commenced, may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of 12 months, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.
- c. Notwithstanding the above, if the Site Plan is issued to satisfy a condition of approval of a subdivision map pursuant to the County Subdivision Ordinance, the Site Plan shall remain in full force and effect for the duration of the tentative approval for that subdivision map, and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the Site Plan shall expire one year after recordation of the Final or Parcel Map unless construction and/or use of the property in reliance of the Site Plan has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7168.

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)

7169                    APPLICATION FOR MODIFICATION OF A SITE PLAN

- a. Any person holding an approved Site Plan may apply for a modification. The modification of a Site Plan may include modification of the physical improvements shown on the Site Plan itself or the waiver or alteration of conditions imposed pursuant to Section 7164. Sections 7000 through 7019 and 7157 through 7166, inclusive, shall apply to the application for the modification of a Site Plan.
- b. In the event the requested modification relates to a condition which was initially imposed by action of an appellate body, the authority having jurisdiction over such modification shall consider the following:
  - 1. The reason(s) why the subject condition was initially imposed.
  - 2. The reason(s) why the subject condition should be retained, modified or waived.
  - 3. The relationship of modification or waiver to the reason(s) the condition was initially imposed.

4. Any related impact, direct or indirect, which the requested modification or waiver would have on the subject property or surrounding properties.
5. Alternative measures proposed to mitigate deleterious impacts, if any, caused by the requested modification.

(Added by Ord. No. 8236 (N.S.) adopted 5-5-93)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

7170           RELATION TO USE PERMIT, VARIANCE, AND ZONING ORDINANCE AMENDMENT. When a development proposal subject to Site Plan review is submitted concurrently with an application for a subdivision, use permit, variance, or an amendment of the Zoning Ordinance, the Site Plan review shall be under the jurisdiction of the officer or body having jurisdiction over the subdivision, Use Permit, Variance, or amendment application and shall be conducted concurrently with any review required thereby.

(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

7172           REVOCATION OR MODIFICATION OF SITE PLAN APPROVAL FOR CAUSE. A Site Plan may be revoked or modified for cause as provided by the provisions of this section. For purposes of this section, the modification of a Site Plan may include the modification of the terms of the Site Plan itself or the waiver, alteration, or imposition of new conditions pursuant to Section 7164.

- a. Ground for Revocation or Modification. A Site Plan may be revoked or modified pursuant to the provisions of this section upon a finding of any one or more of the following grounds:
  1. That such Site Plan was obtained or extended by fraud.
  2. That one or more of the conditions upon which such Site Plan was granted have been violated.
  3. That the use for which the Site Plan was granted is so conducted as to be detrimental to the public health or safety, or as to be a nuisance.
  4. That construction on the subject property is not in conformance with the Site Plan or other applicable requirements.
- b. Notification. The Director shall notify the owner of the property of his action in the same manner as specified in the Building Code for revocation of a building permit, or by written notice to the owner of the subject property as shown on the latest assessment roll or as indicated by later information available to the Director.
- c. Appeal. Revocation or modification of a Site Plan may be appealed pursuant to Section 7166.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

**7174            AUTOMATIC REVOCATION OF SITE PLAN APPROVAL.**

If a Site Plan is approved or modified subject to one or more conditions, such Site Plan shall cease to be valid, and all rights and privileges granted thereby shall lapse, notwithstanding any other provisions of the Zoning Ordinance to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

**7175            MINOR DEVIATION OR MODIFICATION NOT REQUIRED**

A Minor Deviation or Modification to a Site Plan is not required for any Building, Structure or Projection listed in section 4835 or any use listed in the Accessory Use Regulations, sections 6150 – 6199, provided the Building, Structure, Projection or use meets the specific accessory use setbacks in the Site Plan and meets all other conditions and restrictions in the Site Plan. If the Site Plan does not specify setbacks for an Accessory Use or a Building, Structure or Projection listed in 4835, a Minor Deviation or Modification to the Site Plan is not required provided the Building, Structure, Projection or Accessory Use meets the least restrictive setbacks for the zone that applies to the subject site.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

**7176            SITE PLANS TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE**

Upon the approval of a site plan becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The site to be recorded shall set forth the names of all owners of the property subject to the site plan. The recording of a site plan shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the site plan, of the rights and obligations created by the site plan.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)



ADMINISTRATIVE APPEAL PROCEDURE.**7200 TITLE AND PURPOSE.**

The provisions of Sections 7200 through 7249 shall be known as the Administrative Appeal Procedure. The purpose of these provisions is to prescribe the procedure by which an appeal may be taken from a written decision of the Director made pursuant to the administration of the Zoning Ordinance. An appeal is not authorized by this section where a decision of the Director is otherwise specified as a final decision.

(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)  
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**7201 APPLICATION.**

An application for an Administrative Appeal shall be made as follows:

- a. **Persons Eligible.** The following persons shall be eligible to file an administrative appeal:
  1. A person having an interest in the property that is the subject of the decision being appealed (hereinafter subject property).
  2. A person having an interest in property located within 300 feet of the exterior boundaries of the subject property.
  3. A person not having an interest in property located within 300 feet from the exterior boundaries of the subject property, who after written petition request to the Planning Commission receives permission to file an appeal. The decision of the Planning Commission on a petition requesting for permission to appeal shall be made without hearing and shall be final.
  4. A County Officer, Board, Commission, or other County body other than the authority having jurisdiction over the appeal.
- b. **Timeliness.** An Administrative Appeal, or a written request for permission to appeal pursuant to Section 7201.a.3, shall be filed within 10 days of the date on which the decision being appealed was rendered.
- c. **Required Documents.** An appeal shall be accompanied by a document setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion.
- d. **Form, Filing, and Fee.** An appeal of an administrative decision shall be made on the prescribed form and shall be filed with the Planning Commission, accompanied by the fee referenced in Section 7602.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 7979 (N.S.) adopted 10-02-91)

7202

**7202 EFFECT OF FILING THE APPEAL.**

An appeal of an administrative decision or written request for permission to appeal pursuant to Section 7201.a.3, if made within the time specified in Section 7201 shall stay all proceedings in furtherance of the decision appealed and no building permit, license, or other permit that is the subject of the appeal, shall be issued until such time as the appeal has been acted on as set forth in Section 7205, or until permission to appeal has been denied. However, if the Director certifies to the Planning Commission that by reason of facts which the Director shall provide, a stay would cause imminent peril to life or property, the Planning Commission may determine that said proceedings shall not be stayed.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**7203 FORWARDING OF RECORD.**

On the filing of an administrative appeal, the officer or official whose decision is being appealed shall transfer to the Secretary of the Planning Commission the subject documents and papers on file pertinent to his decision, together with his report on the decision.

**7204 PUBLIC HEARING.**

The Planning Commission shall hold a public hearing on all administrative appeals, scheduled and noticed as required by Sections 7603 and 7605, respectively.

**7205 DECISION AND NOTICE.**

Following the hearing on an appeal, the Planning Commission may either sustain the decision being appealed or render such new decision as it considers appropriate. Notice of the decision of the Planning Commission shall be mailed to the appellant and a copy thereof shall be attached to the record forwarded under Section 7203 and this record shall be returned to the forwarding party.

**7206 EFFECTIVE DATE.**

Subject to provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the Planning Commission on an Administrative Appeal shall be final and effective immediately.

(Amended by Ord. No. 9548 (N.S.) adopted 4-9-03)



## USE PERMIT PROCEDURE

### 7350 INTENT AND PURPOSE.

The provisions of Section 7350 through Section 7399 shall be known as the Use Permit Procedure. A use permit may be granted to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval.

### 7351 APPLICABILITY.

The use permit procedure shall be followed when an application for a Use Permit has been filed as required by The Zoning Ordinance.

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord No. 10006 (N.S.) adopted 9-16-09)

### 7352 CLASSIFICATION OF USE PERMITS AND ORIGINAL JURISDICTION.

Use Permits shall be classified and original jurisdiction exercised over them as follows, except as otherwise provided in Sections 7376 and 7378:

- a. Major Use Permit. Applications for granting or modifying the conditions of a permit for one or more uses, structures or actions, any one of which requires a Major Use Permit, shall require Major Use Permits and shall be under the original jurisdiction of the Planning Commission, except that Major Use Permits which are not within the Current Urban Development Area as shown by the Regional Land Use Element and propose connection to the Rancho San Diego Interceptor sewer line shall be under the original jurisdiction of the Board of Supervisors with the Planning Commission making a report to the Board of Supervisors.
- b. Minor Use Permit. Application for granting or modifying the conditions of a permit for any use, structure, or action requiring a Minor Use Permit shall be under the original jurisdiction of the Director, except that applications for Minor Use Permits filed concurrently with tentative subdivision maps, reclassifications or Major Use Permits shall be under the jurisdiction of the body having jurisdiction over the tentative subdivision maps, reclassifications and Major Use Permits. Any use allowed by a Minor Use Permit may be allowed by a Major Use Permit.
- c. Concurrent Use Permit. Applications for granting or modifying the conditions of a use permit filed concurrently with an application requesting amendment of the Zoning Ordinance applicable to the land which is the subject of the use permit application shall be under the original jurisdiction of the Planning Commission. Applications for granting or modifying the conditions of a use permit filed concurrently with any other application under the original jurisdiction of the Board of Supervisors shall be under the original jurisdiction of the Board of Supervisors, and shall receive a recommendation from the Planning Commission prior to action by the Board of Supervisors.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6031 (N.S.) adopted 4-22-81)  
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

7352

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 7313 (N.S.) adopted 6-2-87)  
(Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)  
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
(Amended by Ord. No. 8200 (N.S.) adopted 1-13-93)  
(Amended by Ord. No. 9549 (N.S.) adopted 4-30-03)  
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7354 APPLICATION FOR THE GRANTING OF A USE PERMIT.

An application for the granting of a use permit shall be made as follows:

- a. Persons Eligible. The following persons shall be eligible to apply for the granting of a use permit.
  1. A property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
  2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
  3. A person authorized to exercise the power of eminent domain.
- b. Required Documents. The application shall be accompanied by the following documents:
  1. A list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or partnership, the names of all persons owning more than 10 percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
  2. Complete plans, a description of the property involved and a complete description of the proposed use. The complete plans shall include a plot plan drawn to scale showing all structures (existing and proposed). If the use permit will cover only a portion or portions of a lot or parcel, the plot plan shall include a measurable delineation of the area to which the use permit shall apply. That area shall include all land necessary for the proposed use, together with any open space, non-development areas, or other buffer areas which are necessary to enable making the required findings for use permit approval.
  3. Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with the requested use permit within 6 months after it is granted.

4. The appropriate environmental impact review document, as provided by Section 7610.
  5. In the case of an application for a Mobilehome Park to be pursuant to the Regional Land Use Element Policy 3.8, evidence satisfactory to the Director that the authorization for filing has been obtained as required by any applicable Board Policy.
- c. Application Form, Filing and Fee. The application shall be made on the prescribed form and shall be filed with whomever has jurisdiction as provided by Section 7352, and shall be accompanied by the fee referenced in Section 7602.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)  
 (Amended by Ord. No. 9569 (N.S.) adopted 7-09-03)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 7355 MAJOR USE PERMIT REVIEW IN COMMUNITY OR SUBREGIONAL PLAN AREAS WITH COMMUNITY DESIGN REVIEW PROGRAMS.

In community or subregional plan areas with community design review programs, applications for major use permits or major use permit modifications, for the following uses, shall be referred to the appropriate Community Design Review Board for advisory design review recommendation:

Planned developments; standard mobilehome parks; mini-mobilehome parks; religious assembly; administrative services; clinic services; community recreation facilities; cultural exhibits and library services; group care; child care centers; lodge, fraternal and civic assembly; and major impact services and utilities.

(Added by Ord. No. 7935 (N.S.) adopted 6-19-91)

#### 7356 HEARING AND NOTICE.

All applications for granting or modifying a use permit and all actions to revoke or modify a use permit shall be heard at a public hearing scheduled and noticed as required by Section 7603, and 7605, respectively.

#### 7357 EFFECT OF USE PERMIT ON OTHER USE OF THE PROPERTY

The granting of a use permit does not limit or preclude the establishment or operation of any uses on the remainder of the lot(s) or parcel(s) outside the boundaries of the use permit as delineated pursuant to Section 7354.b.2. For the portion of the parcel covered by the use permit, no use shall be allowed within the use permit boundary other than those specified in the use permit. No additional uses, by right or conditionally permitted, shall be allowed within the use permit area without modification of the permit. If, subsequent to the granting of a use permit, the use(s) authorized thereby become permitted uses through a zoning amendment, the holder of the use permit may request, and the Director may approve, termination of the use permit. Upon such termination, the terms and conditions of the use permit shall no longer be applicable to that property or to the use thereof.

(Added by Ord. No. 9569 (N.S.) adopted 7-09-03)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

7358

**7358 FINDINGS REQUIRED.**

Before any use permit except those filed pursuant to Regional Land Use Policy 3.8 may be granted or modified, it shall be found:

- a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
  1. Harmony in scale, bulk, coverage and density;
  2. The availability of public facilities, services and utilities;
  3. The harmful effect, if any, upon desirable neighborhood character;
  4. The generation of traffic and the capacity and physical character of surrounding streets;
  5. The suitability of the site for the type and intensity of use or development which is proposed; and to
  6. Any other relevant impact of the proposed use; and
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- c. That the requirements of the California Environmental Quality Act have been complied with.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8457 (N.S.) adopted 10-5-94)

**7359 FINDINGS REQUIRED FOR PARTICULAR USE PERMITS**

- a. Before any use permit pursuant to Regional Land Use Element Policy 3.8 may be granted or modified, in lieu of the findings required by Section 7358, it shall be found that the location, size, and design of the proposed use will not adversely affect or be materially detrimental to the San Diego County General Plan, adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
  1. The physical suitability of the site for the type and intensity of use or development which is proposed;
  2. The availability of public facilities, services and utilities;
  3. The generation of traffic and the capacity and physical character of surrounding streets;
  4. The harmful effect, if any, upon environmental quality and natural resources;
  5. That the site is within or adjacent to areas planned for urban type development;

**7364 EFFECTIVE DATE.**

Decisions of the Planning Commission, or the Director made pursuant to Section 7360 shall become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed as provided by Section 7366. All decisions of the Board of Supervisors made pursuant to Section 7360 shall be final and effective immediately.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
 (Amended by Ord. No. 9674 (N.S.) adopted 9-22-04)

**7366 APPEAL.**

Use permit decisions pursuant to Sections 7360, 7376, 7378 or 7382 may be appealed as follows:

**a. Appeals Authorized.**

1. A Major Use Permit decision of the Planning Commission may be appealed to the Board of Supervisors.
2. A Minor Use Permit decision of the Director may be appealed to the Planning Commission, except that (a) a decision concerning a Minor Use Permit application filed concurrently with a tentative subdivision map, reclassification or Major Use Permit application may be appealed to the same appeal authority and pursuant to the same procedures as apply to such concurrent application; and (b) a decision concerning a Minor Use Permit for a mini-mobilehome park may be appealed to the Planning Commission; and (c) a decision concerning a Minor Use Permit for a nonconforming use within an adopted Redevelopment Area pursuant to Section 6878 may be appealed to the Board of Supervisors.
3. A concurrent use permit decision by the Planning Commission may be appealed to the Board of Supervisors.

- b. Resubmittal of Revised Application. If upon appeal an application for a use permit is revised so as to require the submittal of a revised plot plan, all appellate proceedings shall be terminated and the application resubmitted to the authority having original jurisdiction for further consideration and decision. The decision of the revised application may thereafter be appealed as provided in this Section.

- c. **Persons Authorized to Appeal.** No person may appeal except the applicant for the granting or modification of a use permit; a County officer acting pursuant to paragraph "d" of this section; and those persons who protest the granting, revocation, or modification of a use permit either by written protest filed in the office of the Planning Commission or the Director, whoever has jurisdiction over the use permit, prior to the time of the hearing or consideration of the matter by said authority; or by appearing and protesting the granting, revocation or modification of the use permit at the hearing or consideration of the matter by said authority.
- d. **County Officer May Appeal.** Notwithstanding any other provision of this Ordinance, any County officer, Board, Commission, or other County body, other than the authority having jurisdiction over the appeal, may appeal a decision of the Planning Commission, or the Director made pursuant to Section 7360, without fee.
- e. **Manner and Time of Filing.** An appeal shall be in writing, shall be accompanied by the fee referenced in Section 7602 and shall be filed as follows:
  - 1. If filed personally, the appeal shall be filed in the Department of Planning and Land Use by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision.
  - 2. If mailed, the appeal shall be postmarked by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision, Department of Planning and Land Use, 5201 Ruffin Road, Suite B, San Diego, CA 92123.
- f. **Effect of Filing the Appeal.** An appeal of a decision within the time specified in paragraph "e" of this Section shall stay the proceedings and effective date of the decision of the Planning Commission, or Director, as provided by Section 7366, until such time as the appeal has been acted on as hereinafter set forth in the Ordinance.
- g. **Forwarding of Record.** Upon the filing of an appeal, the authority having made the decision being appealed shall transmit to the appeal authority the records concerning the decision.
- h. **Public Hearing.** Following the filing of an appeal, the authority having appellant jurisdiction shall hold a public hearing on the matter scheduled and noticed as required by Sections 7603 and 7605, respectively. The public hearing shall be a hearing de novo and all interested persons may appear and present evidence.

- i. **Decision and Notice.** Following the hearing on an appeal, the authority having appellate jurisdiction may sustain the decision which is being appealed; or may grant or modify the use permit subject to specified conditions it imposes pursuant to Section 7362; or may revoke or deny the use permit, as is appropriate. The authority shall adopt findings, which specify all facts relied upon by it in reaching its decision and their relation to the requirements of Section 7358, and which state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the Planning Commission's, or the Director's file in the matter and said file returned to the Planning Commission, or Director, whoever rendered the decision which was appealed.
- j. **Finality and Effective Date.** Subject to the provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the authority having jurisdiction over an appeal shall be final, conclusive, and effective immediately.
- k. **No Decision Reached.** Whenever the Board of Supervisors holds a hearing on an appeal from a decision on an application for a use permit, the proceedings shall be governed by the Board of Supervisors' Rules of Procedure and Section 375.13 of the San Diego Administrative Code. Whenever the Planning Commission holds a hearing on an appeal from a decision on an application for a use permit and thereafter fails to reach a decision because a motion on the item failed to carry by the required vote, the secretary of the Commission shall set the matter for a noticed public hearing de novo if such hearing is requested by the Commission. Such request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision from which the appeal has been taken shall be deemed sustained.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)  
 (Amended by Ord. No. 7878 (N.S.) adopted 3-6-91)  
 (Amended by Ord. No. 7979 (N.S.) adopted 10-02-91)  
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
 (Amended by Ord. No. 8409 (N.S.) adopted 6-01-94)  
 (Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)  
 (Amended by Ord. No. 9548 (N.S.) adopted 4-9-03)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

7368

7368            USE PERMITS TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE

Upon the approval of a use permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The use permit to be recorded shall set forth the names of all owners of the property subject to the use permit. The recording of a use permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the use permit, of the rights and obligations created by the use permit.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

7370            NUISANCE.

The granting or modification of a use permit shall not authorize or legalize the maintenance of any private or public nuisance.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

7372            DISCONTINUANCE.

Each use permit granted pursuant to these provisions shall expire and become null and void at the expiration of one year after the purpose for which it was granted shall have been discontinued or abandoned.

(Amended by Ord. No. 6467 (N.S.) adopted 11-10-82)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

7374            EXPIRATION.

Each valid unrevoked and unexpired use permit shall expire and become null and void at the time specified in the permit. If no time is specified, then the use permit shall expire two years after granting unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376.

Notwithstanding the above, if the use permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the use permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the use permit shall expire three years after recordation of the final or parcel map unless construction and/or use of the property in reliance of the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376 and provided further, that construction complies with zoning regulations in effect at the time of construction.

(Amended by Ord. No. 6155 (N.S.) adopted 9-15-81)

(Amended by Ord. No. 6164 (N.S.) adopted 9-22-81)(Supersedes Ord. No. 6155 (N.S.))

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)



7376                    APPLICATION FOR EXTENSION OF RELIANCE PERIOD OF A USE PERMIT.

- a.     If prior to expiration of the use permit, the applicant files a written application for extension, the period within which construction or use of the property in reliance on the use permit must be commenced may be extended by order of the Director, or Planning Commission, whichever has original jurisdiction over said use permit, at any time within 90 days of the date of expiration. An application for such an extension shall be made on the prescribed form, shall be accompanied by the fee referenced in Section 7602, and shall be filed with the authority which has original jurisdiction. The period within which construction and/or use of the property in reliance on a use permit must be commenced may be extended subject to conditions, as provided by Section 7362. Decisions of the Director, or Planning Commission pursuant to this section shall become effective as provided by Section 7364. Decisions of the Director, and Planning Commission may be appealed as provided by Section 7366. All other provisions of the Zoning Ordinance shall apply to an extension granted in accordance with this section.
  
- b.     Notwithstanding the provisions of paragraph "a" above or any other provision of the Zoning Ordinance, upon filing of an application to extend such reliance period for a major use permit for a planned development or lot size averaging in conjunction with an application filed pursuant to the Subdivision Ordinance (San Diego County Code, Section 81.101 et seq.) to extend a tentative map or tentative parcel map, the Director may extend or conditionally extend such reliance period pursuant to the procedure specified in the Subdivision Ordinance for acting upon such map extensions. Sections 7354, 7358, 7362 and 7602, and all other provisions of the Zoning Ordinance not in conflict with said Subdivision Ordinance procedure, shall apply to such action by the Director.

(Amended by Ord. No. 6031 (N.S.) adopted 4-22-81)

(Amended by Ord. No. 6519 (N.S.) adopted 1-26-83. Opr. 3-1-83)

(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

## 7378 APPLICATION FOR MODIFICATION OF A USE PERMIT.

- a. Any person holding a use permit may apply for a modification by complying with Section 7354.c. For the purposes of this section, the modification of a use permit may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed pursuant to Section 7362. Sections 7000 through 7019 and 7356 through 7366, inclusive, shall apply to the application for the modification of a use permit.
- b. Notwithstanding the provisions of paragraph "a" above or any other provision of The Zoning Ordinance, upon the filing of an application to modify a Major Use Permit for a planned development or lot size averaging in conjunction with an application filed pursuant to the Subdivision Ordinance (San Diego County Code, Section 81.101 et seq.) to modify a Tentative Map or Tentative Parcel Map or a resolution approving the same, the Director may modify or conditionally modify such permit pursuant to the procedure specified in the Subdivision Ordinance for acting upon such map modifications. Sections 7354, 7358, 7362 and 7602, and all other provisions of The Zoning Ordinance not in conflict with said Subdivision Ordinance procedure, shall apply to such action by the Director.
- c. In the event the requested modification or waiver relates to a condition which was initially imposed by action of an appellate body, the authority have jurisdiction over such modification or waiver shall consider the following:
  - 1. The reason(s) why subject condition was initially imposed.
  - 2. The reason(s) why subject condition should be modified or waived.
  - 3. The relationship of modification or waiver to the reason(s) the condition was initially imposed.
  - 4. Any related impact, direct or indirect, which the requested modification or waiver would have on the subject property or surrounding properties.
  - 5. Alternative measures proposed to mitigate deleterious impacts, if any, caused by the requested modification or waiver.

(Amended by Ord. No. 6031 (N.S.) adopted 4-22-81)  
(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

# 7380 AUTOMATIC REVOCATION OF A USE PERMIT.

If a use permit is granted or modified subject to one or more conditions, such use permit shall cease to be valid, and all rights or privileges granted thereby shall lapse, notwithstanding any other provisions of The Zoning Ordinance to the contrary, whenever there becomes final any judgement of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

# 7382 REVOCATION OR MODIFICATION OF A USE PERMIT FOR CAUSE.

A use permit may be revoked or modified for cause as provided by the provisions of this section. For purposes of this section, the modification of a use permit may include the modification of the terms of the permit itself or the waiver, alteration or imposition of new conditions pursuant to Section 7362.

- a. Grounds for Revocation or Modification. A use permit may be revoked or modified pursuant to the provisions of this section upon a finding of any one or more of the following grounds:
  1. That such permit was obtained or extended by fraud.
  2. That one or more of the conditions upon which such permit was granted have been violated.
  3. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
- b. Initiation of Action. An action to revoke or modify a use permit may be initiated by order of the Board of Supervisors, Planning Commission, or the Director, whichever granted, extended or modified the permit, on its own motion or on the request of any County Officer. The Planning Commission may initiate an action to revoke or modify any use permit granted or modified by the Director or the Planning Environmental Review Board, and the Board of Supervisors may initiate an action to revoke or modify any use permit granted by either the Director, Planning Environmental Review Board, Board of Planning and Zoning Appeals or Planning Commission. The order shall set forth grounds for revocation or modification.
- c. Other Provisions Applicable. Sections 7356 through 7366, inclusive, shall apply to an action for the revocation or modification of any use permit.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)  
 (Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)  
 (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7384

7384            EXTENSION OF TIME LIMITS.

The time limits prescribed for the Use Permit Procedure may be extended by the Board of Supervisors; or by the Planning Commission, or the Director, as appropriate, upon the consent of the applicant or appellant.

(Amended by Ord. No. 6519 (N.S.) adopted 1-26-83)

(Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7386            REAPPLICATION.

No application for the granting or modifying of a use permit which has been denied shall be filed earlier than one year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

- a.      Denial by Director. If the Director has denied the use permit, permission to reapply may be granted by the Director, Planning Commission or the Board of Supervisors.
- b.      Denial by the Planning Environmental Review Board. If the Planning Environmental Review Board has denied the use permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.
- c.      Denial by the Planning Commission. If the Planning Commission has denied the use permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.
- d.      Denial by the Board. If the Board of Supervisors has denied the use permit, permission to reapply may be granted by the Board of Supervisors.

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)

(Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7388            USE PERMITS ISSUED PURSUANT TO COUNTY CODE.

All use permits in the formerly unzoned areas of the County, granted pursuant to Title 8, Division 4 and Title 8, Division 5, Chapter 2 of the San Diego County Code of Regulatory Ordinances, shall be referred to as Major Use Permits and shall be deemed to have been issued pursuant to the provisions of The Zoning Ordinance. Such permits shall be treated for all purposes as if they are Major Use Permits under the jurisdiction of the Planning Commission and which had been granted by the Planning Commission pursuant to Section 7360 of The Zoning Ordinance and shall be subject to all of the provisions of The Zoning Ordinance which apply to the administration of such Major Use Permits.

## ZONING ORDINANCE AMENDMENT PROCEDURE

### 7500 TITLE AND PURPOSE.

The provision of Section 7500 through 7549, inclusive, shall be known as the Zoning Ordinance Amendment Procedure. The purpose of these provisions is to prescribe the procedure by which changes may be made in the text of the Zoning Ordinance and the application thereof to land within San Diego County. This procedure shall apply to all requests to change any property from one zone to another or to impose any regulation not theretofore imposed or to remove or modify any such regulation theretofore imposed.

### 7501 WHEN ZONING ORDINANCE SHALL BE AMENDED.

The Zoning Ordinance shall be amended as necessary to implement the San Diego County General Plan and to ensure consistency of The Zoning Ordinance with the General Plan, as provided by Sections 1001 and 1002, respectively.

### 7502 JURISDICTION.

The Board of Supervisors shall have jurisdiction with respect to granting, denying, or modifying requests to amend The Zoning Ordinance. The Planning Commission shall make a recommendation to the Board of Supervisors on all requests to amend The Zoning Ordinance.

### 7503 REQUESTS TO AMEND THE ZONING ORDINANCE.

Requests to amend the Zoning Ordinance may be initiated by:

- a. The application of a property owner or the agent of such owner seeking an amendment to The Zoning Ordinance as applied to his property. In such cases, the application shall be signed by the property owner(s) or their agent(s), pursuant to Section 7017.
- b. A person authorized to exercise the power of eminent domain.
- c. The order of the Board of Supervisors.
- d. The order of the Planning Commission.
- e. The Director of Planning and Land Use.

(Amended by Ord. No. 8250 (N.S.) adopted 6-2-93)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

### 7505 APPLICATION OF PROPERTY OWNER.

The application of a property owner or the agent of such owner requesting an amendment to the Zoning Ordinance as applied to his property shall be made as follows:

- a. Application Form, Filing, and Fee. An application requesting an amendment of the Zoning Ordinance shall be made on the prescribed form, shall be filed with the Planning Commission, and shall be accompanied by the fee referenced in Section 7602.
- b. Required Documents. An application requesting an amendment to the Zoning Ordinance shall be accompanied by the following documents:
  1. A list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or a partnership, the names of all persons owning more than 10 percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
  2. Complete description of the requested amendment.
  3. The appropriate environmental impact review document, as provided by Section 7610.
- c. Additional Documents Required for Mobilehome Parks.
  1. An application requesting an amendment to the Zoning Ordinance on property containing an existing mobilehome park and zoned for exclusive mobilehome park usage by either the RMH Use Regulation or the "A" Building Type Designator shall request provisional reclassification pursuant to Section 7509 and contain the following information and/or documents specified herein:
    - i. The number of spaces within the existing park.
    - ii. A list of names and addresses of all tenants within the park for use by the Department in giving notice.
    - iii. The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.
    - iv. The estimated cost of relocation of each mobilehome affected by the proposed change of use.

7580 APPLICATION FOR REVOCATION OF DESIGNATION OF A LANDMARK OR DISTRICT. An application for revocation of designation of a historic and/or archaeological landmark or district shall be made as follows:

- a. Persons eligible. The following persons are eligible to apply for the revocation of designation of a landmark or district:
  1. The property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
  2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
  3. A person authorized to exercise the power of eminent domain.
- b. Required documents. An application for the revocation of a designation of a landmark or district shall be accompanied by the following documents:
  1. A list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or partnership, the names of all persons owning more than 10 percent of the shares of the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
  2. Evidence to support the findings required by Section 7586.
  3. The appropriate environmental impact review document, as provided by Section 7610.
- c. Application Form, Filing and Fee. An application for the revocation of designation of a historic and/or archaeological landmark or district shall be made on the prescribed form, shall be filed with the Planning Commission, and shall be accompanied by the fee fixed pursuant to Section 7602.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 7583 NOTICE AND HEARINGS.

- a. Required Hearings. All applications for revocation of designation of a historic and/or archaeological landmark or district shall be heard at a public hearing scheduled and noticed in the same manner as required for an amendment to the Zoning Ordinance by Sections 7603 and 7605.

- b. Planning Commission Hearing and Recommendation. The Planning Commission shall hold a hearing on every application for revocation of designation of a landmark or district. After the hearing, the Planning Commission shall recommend to the Board of Supervisors that the application be denied, granted in whole or in part, or modified subject to such conditions as it deems appropriate.
- c. Board of Supervisors Hearing and Decision. After receiving the recommendation of the Planning Commission, the Board of Supervisors shall hold a hearing on the application. After the hearing, the Board of Supervisors shall deny, grant in whole or in part, or modify the application, subject to such conditions as it deems appropriate.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

7586 REQUIRED FINDINGS.

No application for revocation of designation of a historic and/or archaeological landmark or district shall be approved unless at least one of the following findings is made:

- a. It is found that the landmark or district has been destroyed and its historic, cultural, archaeological and/or architectural values have been eliminated subsequent to its designation as a landmark or district and that no person who had an ownership interest in or occupied the subject property subsequent to its designation as a landmark or district has caused such destruction or elimination by any act, omission or neglect.
- b. New information or analysis shows that the historical resource does not meet any of the following significance criteria:
  - (1) Is associated with events that have made a significant contribution to the broad patterns of San Diego County's regional or community history and cultural heritage;
  - (2) Is associated with the lives of persons important to the history of San Diego County or its communities;
  - (3) Embodies the distinctive characteristics of a type, period, San Diego County region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - (4) Has yielded or may be likely to yield, information important in prehistory or history.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)  
(Amended by Ord. No. 9702 (N.S.) adopted 10-31-01)



## SUPPLEMENTARY ADMINISTRATIVE PROCEDURES

### 7600 TITLE AND PURPOSE.

The provisions of Section 7600 through 7649, inclusive, shall be known as the Supplementary Administrative Procedures. The purpose of these provisions is to provide additional procedures for the administration of amendments of the Zoning Ordinance, Variances, Use Permits, Planned Development Permits, and Administrative Appeals.

### 7601 APPLICATION FORMS AND REQUIRED INFORMATION.

The Director shall prescribe the forms on which all applications shall be made pursuant to The Zoning Ordinance. The Director may prepare and provide blanks for such purpose and may prescribe the type of information to be submitted in the application by the applicant. No application shall be accepted unless it complies with such requirements.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

### 7602 FEES.

Fees shall be paid to the County of San Diego as provided by the Zoning Ordinance for the purpose of defraying the expense of postage, investigation, posting, advertising and other costs incidental to the proceedings prescribed herein. The following provisions shall apply to the establishment, waiver and refund of fees.

- a. Establishment. Fees for consideration of material submitted pursuant to the requirements of the Zoning Ordinance shall be recommended by the Director and approved by the Board of Supervisors.
- b. Fee Schedule. The fees established pursuant to paragraph "a" of this section shall be contained in a Fee Schedule.
- c. Waiver. The application fee for the granting of a Variance, Zone Reclassification, Administrative Permit, Site Plan, or a Use Permit may be waived in any of the following circumstances:
  1. Upon written request of an applicant, when the Director, Planning Commission, or the Board of Supervisors finds the necessity for a Variance is the result of the dedication or granting (without receipt of substantial monetary consideration) of a portion of the property for a public purpose, said Director, Commission, or Board may waive the fee for filing the application for Variance, or
  2. If, after considering a statement supplied by the applicant, it is the opinion of the Board of Supervisors that the request is due to a hardship resulting from some error or negligence on the part of the County or its employees.

3. If the requested waiver of fee is found to conform to the Board of Supervisors Policy regarding refunds and relief from fees when permits are issued in error. The following criteria shall apply:
  - a. An applicant is owed a refund (or a credit) for any fees or deposits paid, fee waiver or other relief when the applicant can demonstrate that:
    - i. The permit issued or approval granted was rescinded due to staff error; or,
    - ii. An additional County permit or approval is required for the project due to staff oversight; and
    - iii. No misinformation was supplied nor information withheld by the applicant that resulted in the permit rescission or initial oversight.
  - b. Any approval or permit issuance done in error shall not create a liability for the County to pay for or to grant other approvals.
- d. Waived. The application fee is waived for:
  1. Group Care uses with an occupancy of not more than 14 persons and Family Day Care Homes for Children.
  2. Animal Raising Projects pursuant to Section 3115.
  3. Modification of a Major Use Permit for an existing mobilehome park pursuant to Section 6549 a. provided the Director determines that the necessary discretionary action for said modification can occur concurrently with the related tentative subdivision map.
  4. Major Use Permit for an existing mobilehome park not established pursuant to the Mobilehome Park Regulations pursuant to Section 6549 b. provided the Director determines that the necessary discretionary action for said Major Use Permit can occur concurrently with the related tentative subdivision map.
  5. As funding is available, a Minor Use Permit for a farm labor camp, or Administrative Permit for farm employee housing, for which a complete application was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.) or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.) or was filed between October 31, 1991 and July 15, 1992, pursuant to Ordinance No. 8086 (N.S.), or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S), or was filed between July 1, 2009 and June 30, 2014 pursuant to Ordinance Number 10003 (N.S.).

6. As funding is available, an application for a Building Permit for farm employee housing including plan check fees for which: (i) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (ii) the housing is not the subject of an active code enforcement action; (iii) the applicant has entered into the contract required by Section 6156 u.9. of The Zoning Ordinance; and (iv) a complete application was filed between July 16, 1992 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.) or was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No 8271 (N.S.), or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance 8574 (N.S.), or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9012 (N.S.) or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S), or was filed between July 1, 2009 and June 30, 2014 pursuant to Ordinance No. 10003 (N.S.).

Said costs shall include Parks and Recreation Department fees, planning and environmental review fees. Costs associated with review by staff of the Departments of Environmental Health and Public Works shall be waived in their entirety.

7. As funding is available, waive up to the first \$2,000.00 of costs expended by staff within the Department of Planning and Land Use to process any single Minor Use Permit for a farm labor camp which: (i) is not the subject of an active code enforcement action; (ii) the applicant has entered into the contract required by Section 6906.c of The Zoning Ordinance; and (iii) a complete application was filed between July 16, 1992 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.) or was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No 8271 (N.S.), or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N. S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.) or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9012 (N.S.) or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S), or was filed between July 1, 2009 and June 30, 2014 pursuant to Ordinance No. 10003 (N.S.).

Said costs shall include planning and environmental review fees. Costs associated with review by staff of the Departments of Environmental Health and Public Works shall be waived in their entirety.

8. Appeals by any County citizen advisory body of any land use decision, provided such body is authorized to review and make recommendations pertaining to such decisions pursuant to this Ordinance. The decision to file an appeal must be approved by a majority of the group's authorized membership. If no group meeting is scheduled prior to the end of the appeal period, the Chair of the group may file the appeal or must file the appeal if so directed by petition of a majority of the group's membership. The decision to appeal shall then be confirmed by a majority of the group's authorized membership at their next meeting. Failure to achieve a majority vote in favor of appeal shall require the group to withdraw the appeal.

9. A Site Plan filed pursuant to the Community Design Review Area regulations (Section 5750 et seq.) that is a) within the I-15 Corridor (as defined in the County General Plan), and b) for review of a single dwelling on an existing legal lot or for buildings or structures accessory to such a dwelling.
- e. Refund. At any time prior to final action on any application filed pursuant to The Zoning Ordinance, the applicant may file a written request with the authority having jurisdiction over the application, requesting that the application be withdrawn from further consideration, and that any unused portion of the application fee be refunded. The authority shall then withdraw the application and may recommend to the Board of Supervisors that the application fee or a portion of it be refunded to the applicant. The Board of Supervisors may order the refund of the application fee less any costs said Board shall determine to have been incurred by the County incidental to action on the proposed application.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5659 (N.S.) adopted 11-27-79)  
 (Amended by Ord. No. 6002 (N.S.) adopted 2-25-81)  
 (Amended by Ord. No. 6103 (N.S.) adopted 7-14-81)  
 (Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6236 (N.S.) adopted 2-17-82)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 6715 (N.S.) adopted 1-18-84)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
 (Amended by Ord. No. 7875 (N.S.) adopted 3-5-91)  
 (Amended by Ord. No. 7977 (N.S.) adopted 10-1-91)  
 (Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)  
 (Amended by Ord. No. 8199 (N.S.) adopted 1-13-93)  
 (Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
 (Amended by Ord. No. 8436 (N.S.) adopted 8-3-94)  
 (Amended by Ord. No. 8574 (N.S.) adopted 8-16-95)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)  
 (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  
 (Amended by Ord. No. 9012 (N.S.) adopted 3-17-99)  
 (Amended by Ord. No. 9643 (N.S.) adopted 5-5-04)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

#### 7607 PUBLIC HEARINGS - ADDITIONAL MATTERS IN NOTICE.

Where application is made for an amendment of The Zoning Ordinance which proposes changing the zone classification of any property or the boundaries of any zone, or for a Variance or Major Use Permit, the Director, or the Planning Commission shall have the discretion to include in the notice of hearing on such application, notice that the Planning Commission will consider classification other than that proposed and/or additional properties and/or uses and/or Variances. Where application is made for an ordinary Variance or a Minor Use Permit, the Director shall have the discretion to include in the notice of hearing on such application notice that the Director will consider additional uses and/or Variances.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

#### 7608 INVESTIGATIONS.

The Planning Commission, or the Director shall cause an investigation to be made of facts bearing on an application for granting, extending, or modifying, or an action to revoke or modify a variance or use permit, or whenever necessary to investigate a proposed amendment of The Zoning Ordinance, an application for a planned development permit, or an Administrative Appeal. The investigation shall include an analysis of precedent cases as will serve to provide all necessary information to assure action on each case consistent with the purpose of The Zoning Ordinance and with prior actions.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

#### 7609 MINOR DEVIATION FROM PLAN.

If an Administrative Permit, Variance, Site Plan or Use Permit allows or requires land to be used or developed in accordance with a plan, or plans that are referred to in the Administrative Permit, Variance, Site Plan, or Use Permit, Minor Deviations from said plan may be authorized in accordance with the following provisions:

- a. Intent. This section provides for situations where it is necessary to deviate from a plan in a minor way which is consonant with the purpose and intent of the related Administrative Permit, Variance, Site Plan or Use Permit. The intent of this section is to provide for flexibility in the operation of an Administrative Permit, Variance, Site Plan or Use Permit by permitting a Minor Deviation to be administratively granted by the Director. It is not the intent of this section to permit a deviation from the plan which violate the intent and purpose of the related Administrative Permit, Variance, Site Plan or Use Permit or any of its conditions, or to allow any action for which an Administrative Permit, Variance, Site Plan or Use Permit would otherwise be required by The Zoning Ordinance.

- b. Jurisdiction. The Director may authorize a Minor Deviation from a plan referred to in an Administrative Permit, Variance, Site Plan or Use Permit granted by the Board of Supervisors, the Planning Commission, or the Director.
- c. Required Findings. A Minor Deviation from a plan shall be authorized only after findings that:
  - 1. The requested deviation does not constitute a substantial change in the Administrative Permit, Variance, Site Plan, or Use Permit; and
  - 2. The requested deviation will not adversely affect adjacent property or property owners.
- d. Prohibited Deviations. No deviation from a plan, or deviations having a cumulative effect, shall be authorized which would permit one or more of the following:
  - 1. An increase or decrease from the original approved plan of more than 10 percent of the gross area of any yard, open space, working area or parking area, provided that no decrease may be permitted in any required yard for which an exception pursuant to Section 4813 or a Variance is required;
  - 2. An increase or decrease from the original approved plan of more than 10 percent of the size of any building or structure or of the total land area covered by any building or structure;
  - 3. An increase or decrease from the original approved plan of more than 10 percent of the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area;
  - 4. In the cases of Use Permits and Site Plans, an increase in the number of buildings or structures shown on the original approved plan so as to increase by more than 10 percent the total land area covered by all buildings and structures; or
  - 5. A sign, if signs are not regulated by the approved Administrative Permit, Variance, Site Plan or Use Permit except that a Minor Deviation for a sign or sign program subject to a Community Design Review, Historic Landmark, Historic District or Design Review special area regulations designator may be approved upon due consideration of the recommendation of the applicable Design Review Board, Historic Site Board, Historic District Review Board, or Community or Subregional Planning Group.

- e. **Application Form, Filing and Fee.** An application requesting a minor deviation from a plan shall be made on the form prescribed by the Director, shall be signed by the property owner(s) or their agent(s) as required by Section 7107, shall be filed with the authority having jurisdiction as provided by paragraph "b" of this section, and shall be accompanied by the fee referenced in Section 7602.
- f. **Hearing Not Required.** Any action of the Director pursuant to this section may be taken without notice or public hearing.
- g. **Decision is Final.** Any decision by the Director pursuant to this section shall be final; provided, however, that the denial by the Director of a request for a minor deviation from a plan shall not prevent the applicant from applying for a new Administrative Permit, Variance, Site Plan, or use permit or modification thereof pursuant to the Zoning Ordinance.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 8105 (N.S.) adopted 7-15-92)  
 (Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 7610 ENVIRONMENTAL IMPACT REVIEW - REQUIRED INFORMATION.

Notwithstanding any other provision of the Zoning Ordinance, all applications for the granting of a variance, use permit, zoning ordinance amendment request, and planned development permit shall include at least one of the following:

- a. **Negative Declaration.** A negative declaration on proposals which are not environmentally significant;
- b. **Draft EIR.** A draft EIR on proposals which could have significant environmental effects;
- c. **Categorical Exemption.** A certification by the Director of categorical exemption; or
- d. **Other Certification.** A certification by the Director that the proposal is otherwise not subject to the environmental review requirements of the California Environmental Quality Act.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

7611

**7611 ENVIRONMENTAL IMPACT REVIEW - CONSIDERATION.**

The Board of Supervisors, Planning Commission, or Director, whoever has jurisdiction to grant, conditionally grant, or deny an application for which an environmental impact report has been prepared, shall consider such report as independent evidence in making the decision whether to grant, conditionally grant or deny the application. In addition to any other discretion granted by law, such Board, Commission or County officer shall have the authority to consider the adequacy of the environmental impact report and shall have the authority to require the preparation of a supplementary report in any case in which a supplementary report is deemed by it to be necessary as a basis for a decision on the application.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

**7612 BOND TO INSURE PERFORMANCE OF CONDITIONS.**

Every bond to insure performance of conditions shall be a penalty bond and shall be in a form satisfactory to the Director, Planning Commission or Board of Supervisors, whoever requires same, shall be payable to the County of San Diego and shall be conditioned upon compliance with the conditions and limitations including any limitation of time, upon which such variance or use permit is granted. Upon the breach of any condition or limitation, including a limitation of time, upon which the variance or use permit is granted, the money or the bond furnished as security shall be forfeited to the County of San Diego and such money or the money collected on any such bond shall be paid into the general fund of the County of San Diego.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

**7613 INSURING PROVISION OF IMPROVEMENTS.**

- a. **Deposit.** Every agreement to provide required improvements shall be accompanied by an amount of money to be deposited with the Director of Transportation to guarantee the adequate completion of said improvements. The amount shall equal the estimated cost of construction of the required improvements at the end of the time specified in the agreement.
- b. **Bond or Instrument of Credit.** If the estimated cost of the improvements is \$1,000 or more, in lieu of such deposit the permittee may file with the Director of Transportation an appropriate surety bond, guaranteeing the completion of all the improvements, in a penal sum equal to such estimated cost. In lieu of the bond, the Director of Transportation may at his discretion accept an instrument of credit such as is authorized by the Subdivision Map Act or other security in a form approved by County Counsel.



## ENFORCEMENT PROCEDURES

### 7700 TITLE AND PURPOSE.

The provisions of Section 7700 through Section 7749, inclusive, shall be known as the Enforcement Procedures. The purpose of these provisions is to ensure compliance with The Zoning Ordinance. These provisions shall apply to the enforcement of The Zoning Ordinance, but shall not be deemed to exclude other measures.

### 7701 AUTHORITY TO ENFORCE.

The Director shall have the authority to enforce all of the provisions of this Ordinance. All officials, departments, and employees of San Diego County vested with the authority to issue permits, certificates, or licenses shall adhere to, and require conformance with The Zoning Ordinance.

(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)

(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

### 7702 INSPECTION TO INSURE COMPLIANCE.

Whenever they shall have cause to suspect a violation of any provision of The Zoning Ordinance; or whenever necessary to investigate either an application for granting, extension or modification of any application described in this Ordinance or in the Subdivision Ordinance, or an action to revoke or modify a variance or a use permit, or whenever necessary to investigate a proposed amendment of The Zoning Ordinance, the officials responsible for enforcement or administration of The Zoning Ordinance or their duly authorized representatives, may enter any site for the purpose of investigation, provided they shall do so in a reasonable manner. No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. In the course of such inspection, no enclosed building or structure shall be entered without the express permission of the owner or occupant.

(Amended by Ord. No. 7152 (N.S.) adopted 6-11-86)

### 7703 VIOLATIONS AND PENALTIES.

It shall be unlawful for any person to use any property or erect, construct, enlarge, alter, repair, move, remove, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or cause the same to be done, contrary to or in violation of any of the provisions of this Ordinance. Any person violating any of the provisions of this Ordinance, including the violation of any condition of a use permit, site plan, administrative permit, variance, or other discretionary permit shall be deemed guilty of a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.

- a. Each day or portion of a day that any person violates or continues to violate this ordinance constitutes a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.

- b. Any person convicted of a misdemeanor under this ordinance shall be punished by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or by both.
- c. Any person convicted of an infraction under this ordinance shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of this ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same provision of this ordinance committed by that person on the same site within one year.
- d. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this ordinance.
- e. Violation is A Public Nuisance. Any building or structure erected, constructed, altered or maintained and/or any use of property contrary to the provisions of these regulations shall be and the same is hereby declared to be unlawful and a public nuisance, and any failure, refusal or neglect to obtain a permit as required by the terms of this ordinance shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, alteration or maintenance of any building or structured erected, constructed, altered or maintained or used contrary to the provisions of this ordinance. The public nuisance may be abated in accordance with the Uniform Public Nuisance Abatement Procedures contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of the San Diego County Code or County Counsel shall, upon order of the Board of Supervisors immediately commence necessary proceedings for the abatement, removal and/or enjoinder thereof in the manner provided by law.
- f. Citation Authority. Pursuant to the provisions of California Penal Code Sections 19d and 836.5, the Director of the Department of Planning and Land Use or specific individuals deputized by the Director may arrest a person without a warrant whenever the Director or the authorized deputy has a reasonable cause to believe that the person arrested has committed an infraction or misdemeanor in his presence which is a violation of The Zoning Ordinance, which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training as established by Section 832(a) of the Penal Code.

- g. **Civil Penalties For Violation of The Zoning Ordinance.** As part of a civil action filed by the County to enforce provisions of this Ordinance, a court may assess a maximum civil penalty of \$2500 per violation of The Zoning Ordinance for each day during which any violation of any provision of this Ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this Ordinance.
- h. **Administrative Remedies.** In addition to all other legal remedies, criminal or civil, which are available to the County to address any violation of The Zoning Ordinance, the County may use the Administrative Remedies found at Division 8 of Title 1 of the County Code.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6789 (N.S.) adopted 5-30-84)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 7152 (N.S.) adopted 6-11-86)  
 (Amended by Ord. No. 7200 (N.S.) adopted 9-16-86)  
 (Amended by Ord. No. 8015 (N.S.) adopted 12-4-91)  
 (Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)  
 (Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)  
 (Amended by Ord. No. 9063 (N.S.) adopted 10-24-00)  
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

#### 7704 REFUSAL TO ISSUE OR SUSPENSION OF BUILDING PERMIT.

The Director may suspend or refuse to issue any building permit, including plumbing, electrical, mechanical and structural permits, if the Director determines that there is a violation of this or any other ordinance or regulation involving the property upon which the permit was applied for or was issued or involving signs advertising the subdivision or development within which the property is located.

Written notice of such suspension or refusal to issue shall be mailed to the applicant for the building permit and to the property owner, if different from the applicant. Such written notice shall include information regarding the specific violation(s) and the action(s) necessary to abate such violation(s).

The suspension or refusal to issue shall be rescinded upon submission of evidence satisfactory to the Director that such violations have been abated.

(Added by Ord. No. 7152 (N.S.) adopted 6-11-86)  
 (Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)  
 (Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

#### 7705 SPECIFIC PLAN.

Violation of the requirements of a Specific Plan adopted by the Board of Supervisors constitutes a violation of The Zoning Ordinance.

